



USAID | **SOUTH SUDAN**
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ANNUAL REPORT FY2012

SUDAN ELECTION ADMINISTRATION SUPPORT PROGRAM

OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012

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ANNUAL REPORT FY2012

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OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012

Contracted under DFD-I-00-05-00225-00, Task Order 07

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ACRONYMS AND ABBREVIATIONS

AARC	Abyei Area Referendum Commission
BRIDGE	Building Resources in Democracy, Governance, and Elections
CRVS	Civil Registration and Vital Statistics System
CPA	Comprehensive Peace Agreement
CCN	Cooperating Country National
CoS	Council of States
EDR	Electoral Dispute Resolution
EMB	Electoral Management Body
IDLO	International Development Law Organization
IFES	International Foundation for Electoral Systems
ICSS	Interim Constitution of Southern Sudan
INCS	Interim National Constitution of the Republic of Sudan
IRI	International Republican Institute
JoSS	Judiciary of South Sudan
MoJ	Ministry of Justice
MPA	Ministry of Parliamentary Affairs
NBS	National Bureau of Statistics
NEB	National Elections Bill
NCRC	National Constitutional Review Commission
NCC	National Constitutional Conference
NDI	National Democratic Institute for International Affairs
NEA	National Elections Act
NEC	National Elections Commission
NLA	National Legislative Assembly
PMP	Performance Monitoring Plan
PPAC	Political Party Affairs Council
PPLF	Political Parties Leadership Forum
RSS	Republic of South Sudan
SEASP	Sudan Election Administration Support Program
SPLM	Sudan People's Liberation Movement
SSRB	Southern Sudan Referendum Bureau
SSRC	Southern Sudan Referendum Commission
SSHEC	Southern Sudan High Elections Committee
SHC	State High Committee
SSuDEMOP	South Sudan Democratic Elections Monitoring and Observer Program
SSuNDE	South Sudan Network for Democratic Elections
TCC	The Carter Center
TCRSS	Transitional Constitution of the Republic of South Sudan 2011
UNDP	United Nations Development Program
UNMISS	United Nations Mission in the Republic of South Sudan
UNOPS	United Nations Office of Project Services
USAID	United States Agency for International Development

I. EXECUTIVE SUMMARY

IFES Annual Report FY2012

The IFES Sudan Election Administration Support Program (SEASP) conducted technical and material assistance that produced two significant achievements in support of institutional development in South Sudan over the course of FY2012. First, the National Elections Act (NEA) 2012 was enacted on 6 July 2012, and second, the National Elections Commission (NEC) was appointed on 1 August and confirmed on 28 August 2012. These two outcomes were the result of IFES advisory services to national government counterparts throughout the year and contributed to institutionalizing democratic governance structures in Africa's newest country.

IFES also achieved progress on supporting the constitutional development process initiated by South Sudan in January 2012. The IFES Task Order was extended to 30 September 2013 and modified on 3 August to enable immediate engagement with the National Constitutional Review Commission (NCRC) and when formed, with the National Constitutional Conference (NCC). IFES activities focused primarily on technical guidance to internal NCRC procedural systems and procurement of essential office and compound equipment. IFES assistance is expected to alleviate the lack of key technical and material resources to operationalize NCRC activities after long delays since its formation in January.

The IFES Annual Report FY2012 encapsulates key activities conducted in support of legal, electoral, and constitutional framework development to present program achievements. In addition to summarizing the work of the first three quarters, details from fourth quarter activities and outcomes provide a complete analysis of IFES contributions to USAID development objectives in South Sudan. The executive summary presents program accomplishments by noting relationships between program objectives and key activities. Program highlights are followed by a consolidated qualitative and quantitative analysis of impact activities and performance indicators. Program challenges and administration updates are combined with the former focusing on how progress was achieved despite obstacles and the latter summarizing key events over the course of the annual reporting period. The first quarter FY2012 work plan is followed by the next seven report sections: program progress and key achievements, cross-cutting issues, progress on indicator targets, monitoring, project administration, financial information, and work product annex.

The IFES advisory team combined electoral expertise and operational capacity while leveraging relationships with key ministerial, legislative, executive, and judicial officials to achieve progress and results on electoral and constitutional program objectives.

IFES Task Order Objectives

The United States Agency for International Development (USAID) contract DFD-I-00-05-00225-00, Task Order 07, issued in February 2009 and extended in June 2011, contained five program objectives focusing on technical and material support to electoral benchmarks contained in the Comprehensive Peace Agreement (CPA) 2005. When the IFES Task Order was extended a second time in August 2012, USAID added a sixth objective in support of a credible process for constitutional development in South Sudan. IFES is currently pursuing the following program objectives:

- ◆ **Objective 1:** The legal and regulatory framework for national elections is completed in a timely and credible manner.
- ◆ **Objective 2:** Election Management Bodies at the national, regional, and state levels develop the capacity to operate efficiently and independently.
- ◆ **Objective 3:** Election Management Bodies develop the technical capacity to administer and oversee key functions of elections administration.
- ◆ **Objective 4:** Election officials in voter registration, voting, and collation centers nationwide receive training on how to administer credible elections.
- ◆ **Objective 5:** Necessary commodities are provided to maximize operational efficiency and public confidence in election procedures
- ◆ **Objective 6:** The constitutional process in South Sudan is an efficient, inclusive, and transparent process that increases the public credibility and legitimacy of the permanent constitution.

During the annual reporting period, progress was achieved on all program objectives except number four—election official training—as there was no election commission and thus no officials to train. The following key technical and material activities provided the basis for pursuing the other five objectives:

- ◆ Legal, Regulatory, and Electoral Framework Development
- ◆ Organizational Structure and Operational Capacity Support
- ◆ Technical Capacity Development and Event Implementation
- ◆ Infrastructure Procurement and Logistical Support

IFES strategic planning in developing and implementing its program activities achieved measurable progress and concrete results in support of program objectives: NEA 2012 enacted, NEC confirmed, and NCRC supported. A further elaboration of IFES outputs and outcomes demonstrates how South Sudan governance systems were strengthened with first, an electoral law that seeks to establish an effective, inclusive, and accountable electoral system and electoral commission and second, a constitutional review commission provided with structural and operational capacity to support a credible and legitimate constitutional development process.

IFES Outputs and Outcomes FY2012

IFES activities included development and enactment of a new elections law, institutional development of a new elections commission, and operationalization of the constitutional review commission. Related activities involved monitoring, advising, and assisting the former Southern Sudan elections committee and referendum bureau in managing current assets and disposing surplus materials from the 2010 general elections and 2011 referendum.

Legal and Electoral Framework Development

The National Elections Act (NEA) 2012 was developed with the Ministry of Justice (MoJ) in the first quarter; shepherded through the National Legislative Assembly (NLA) during the second and third; and enacted by the President of the Republic in the fourth. Upon request by the MoJ, IFES drafted the new elections bill in coordination with its officials and sponsored a two-day public consultation with political parties, civil society organizations, and other stakeholders. IFES support to the Legislation and Justice Committee (LJC) during the four-step legislative review process included printing copies of the draft

legislation during each phase of the review, sponsoring a two-day public hearing that collected stakeholder suggestions, and analyzing legislative debates and revised drafts to provide technical recommendations on proposed changes to the elections act. Over the course of three quarters, NEA 2012 was developed and then passed through the ministerial, legislative, and executive review processes to produce a solid electoral law that provides the basis for establishing the electoral system and new elections commission.

Electoral Management Development

A comprehensive National Elections Commission (NEC) engagement plan was developed during the first three quarters. Previous IFES research and analysis on electoral systems, electoral legislation, and electoral management bodies was applied to produce strategies for supporting the new commission. When the NEC Board of Commissioners (BoC) was appointed and confirmed in the fourth quarter, IFES immediately engaged with BoC leadership to present strategies for developing the overall capacity to fulfill the NEC mandate to conduct credible electoral events. The NEC Chairperson and Deputy Chairperson welcomed the IFES offer for providing advisory services during introductory briefings in August and September. The NLA only confirmed eight of the nine NEC commissioners as the ninth member did not meet the legal age requirement. At the end of the fourth quarter, BoC members were awaiting appointment and confirmation of the final member and the Presidential swearing-in ceremony before initiating any formal activities. IFES is prepared to support the NEC with a preliminary action plan, orientation workshops, and a comprehensive capacity development strategy, among other requested assistance.

IFES also provided advisory services to former electoral and referendum institutions in an effort to monitor asset management and disposition activities. The Southern Sudan High Elections Committee (SSHEC), the legacy electoral body from the 2010 general elections, requested and received IFES advice throughout the annual reporting period in addressing outstanding administrative issues with the Office of the President and preparing updated asset inventories from the central and state offices. The NEA 2012 provides for all SSHEC resources to vest to the NEC upon its formation. At the end of the third quarter, the SSHEC and former Southern Sudan Referendum Bureau (SSRB) requested IFES to advise and assist in the disposition of surplus electoral and referendum materials from the central warehouse in Juba. IFES assessed the condition of the warehouse in late June, provided asset disposition guidelines in July, and monitored the activity in early August. The SSRB/SSHEC materials were either donated to or disposed of by the Juba City Council to vacate the warehouse and return the premises to the owner. Neither bodies had the financial resources to provide for new storage of retainable materials for future use by the not yet established NEC.

Constitutional Review Development

The National Constitutional Review Commission (NCRC) was formed by Presidential Decree Nos. 02 and 03/2012 on 9 January and its membership expanded to 55 by Decree No. 36 on 28 May. IFES monitored NCRC formation and reported on the structural, operational, and financial difficulties that prevented any significant review activities during the second quarter. In the third quarter, USAID requested that IFES engage with NCRC leadership to assess technical and material needs and present a strategy for operationalizing the constitutional review process. IFES identified the technical assistance required to develop and support the Secretariat and review committees with internal procedural systems and noted necessary material support in the form of office and compound equipment as essential components to activating the NCRC.

USAID modified the IFES Task Order in the fourth quarter to enable technical and material support to the constitutional review process. After a formal NCRC request to USAID for support on 3 September, USAID confirmed its commitments in a response on 10 September that designated IFES as the primary assistance provider with other logistical support from United Nations Office of Project Services (UNOPS). The NCRC engagement plan developed by IFES in July was implemented in August with preparation of seven procurement tenders for office renovation, compound equipment, office furniture, computing equipment, internet service, and supplemental office and conference facilities. The NCRC procurement plan was launched by mid-September with assistance from a new international adviser and a program officer from the IFES headquarters who were deployed to Juba in early September. IFES managed the tender process throughout September; however, USAID assigned procurement of prefabricated facilities for supplementing NCRC office space to UNOPS at the end of the month. IFES actively supported the NCRC with the following logistical and technical assistance throughout September:

- ◆ NCRC Action Plan 2012-2013 was launched at a public event on 10 September with more than 50 national and international participants. IFES sponsored the event and provided 200 copies of the plan for the event and internal distribution among its members.
- ◆ NCRC office and compound procurement tenders were issued between 15 and 19 September and managed by the procurement team throughout the month to provide a functioning base of operations for constitutional review activities on an expedited basis.
- ◆ NCRC internal organizational structure and Secretariat staffing plan with terms of reference were proposed by 26 September. Supplemental internal rules of procedure, review committee themes and structure, and a draft constitutional text framework were under development by 30 September.

The IFES advisory team consulted with the NCRC Chairperson or Secretary General on approximately 20 separate occasions during the fourth quarter, establishing solid working relationships and regular communications. Technical assistance and material support are ongoing and have been welcomed and appreciated by the NCRC leadership. IFES has also participated in the coordination of NCRC-related activities with other international partners, such as the United Nations Mission to the Republic of South Sudan (UNMISS) and National Democratic Institute (NDI), among others. IFES will continue engaging the constitutional development process to ensure sufficient guidance and resources are available to generate progress on constitutional review activities.

Abyei Area Referendum Developments FY2012

Conducting a referendum on self-determination in the Abyei Area remained suspended during the annual reporting period. The Abyei Area Referendum Commission (AARC) was never established and thus no administrative, technical, or operational capacity development activities were possible. However, in the fourth quarter, during Sudan-South Sudan negotiations in Addis Ababa over issues stemming from separation, the issue of an Abyei Area referendum was discussed. The African Union (AU) proposed a plan to conduct the referendum by October 2013. Even though the proposal was not officially accepted by the negotiating parties, the potential for a political resolution of the long-standing technical issues on voter eligibility some time during FY2013 may necessitate IFES planning. IFES prepared referendum plans in 2010 and revised plans in May 2011; the FY2013 budget allows for such activities. IFES is ready to engage in the Abyei Area referendum process if called upon by USAID and with an appropriate implementing protocol agreement in place between Sudan and South Sudan authorities.

IFES Program Development FY2012

IFES increased its capacity to conduct program activities throughout the reporting period by strengthening the national support team and building relationships with national governmental bodies, civil society groups, and international democracy and governance organizations. IFES advisers also continued developing its cultural and historical knowledge to increase political and economic understanding of South Sudan and thereby support the effectiveness of program activities.

IFES National Program Support Team

IFES expanded the national program support team with two National Program Development Officers (NPDOs) and a National Finance and Administration Officer (NFAO) in the first quarter. The NPDOs enhance the program's ability to monitor and report on events conducted by electoral stakeholders; research electoral management subjects; and expand the existing network of government, political party, and civil society contacts. The NFAO improves the program's financial management support in collaboration with the administrative support provided by existing National Logistics and Procurement Assistants (NLPAs). The IFES intention to train South Sudanese in electoral, financial, and logistical administration for future positions within the public or private sectors was successful as the NFAO and one of the NLPAs changed organizations in the second quarter and one of the NPDOs accepted a State Legislative Assembly appointment during the third. The positions were replaced as the national support team members are an essential component to the IFES ability to engage with national counterparts, carry-out projects, and achieve progress on program activities.

IFES National and International Program Relations

In support of institutional development of electoral and constitutional processes throughout the annual reporting period, IFES leveraged its relationships with national and international stakeholders to provide greater capacity in the pursuit of program objectives. Approximately 150 separate meetings or events were conducted or attended with national counterparts and international partners:

- ◆ **National Governmental Entities:** Office of the President (OoP), National Legislative Assembly (NLA), Council of States (CoS), Judiciary of South Sudan (JoSS), Ministry of Justice (MoJ), Ministry of Parliamentary Affairs (MPA), National Bureau of Statistics (NBS), Southern Sudan High Elections Committee (SSHEC), Southern Sudan Referendum Bureau (SSRB), National Constitutional Review Commission (NCRC), and National Elections Commission (NEC).
- ◆ **National Civil Society Organizations:** South Sudan Network for Democratic Elections (SSuNDE), South Sudan Domestic Election Monitoring and Observation Program (SSuDEMOP), South Sudan Women's Empowerment Network (SSWEN), and South Sudan Civil Society Alliance (SSCSA).
- ◆ **International Democracy and Governance Organizations:** United Nations Mission in the Republic of South Sudan (UNMISS) Political Affairs and Electoral Assistance Divisions, European Union (EU), National Democratic Institute (NDI), International Republican Institute (IRI), The Carter Center (TCC), International IDEA, Deloitte, Conflict Dynamics International (CDI), International Development Law Organization (IDLO), Club de Madrid, Counterpart International, and Max Planck Institute.

IFES also maintained close relations with USAID officers with weekly program update sessions and monthly partner meetings that resulted in well-coordinated activities. IFES participated in weekly democracy and governance coordination meetings sponsored by NDI and hosted by IRI to ensure adequate information sharing and maintain professional relations among international organizations. Engaging with national and international stakeholders increased IFES support to institutional processes and disseminated relevant information on electoral and constitutional development issues.

During the next reporting period, IFES will continue its active engagement with electoral and constitutional development. The formal swearing-in ceremony for the NEC members will enable IFES to provide immediate technical and material support to establishing the Board of Commissioners (BoC) with an introductory planning session and orientation workshops. IFES will also continue supporting operationalization of the NCRC with technical guidance and procurement of essential office and compound equipment. The IFES work plan for FY2013 builds on FY2012 accomplishments to establish the capacity of the NEC and NCRC to effectively develop and implement activities to efficiently conduct their respective mandates in support of democratic governance in South Sudan.

QUALITATIVE AND QUANTITATIVE IMPACT FOR FY2012

During the annual reporting period, IFES provided technical assistance and material support to the development of legal, electoral, and constitutional frameworks:

- ◆ **First Quarter:** IFES developed a new set of electoral laws, provided policy guidance to the previous electoral institution, and prepared plans for supporting the future elections commission.
- ◆ **Second Quarter:** IFES shepherded the new electoral law through the legislative review process, proposed policy guidance for appointing a new elections commission, and continued plans for building future electoral management capacity.
- ◆ **Third Quarter:** IFES provided technical recommendations on the proposed electoral law to the legislative and executive review processes, refined research on establishing administrative and operational capacity of the future elections commission, and assessed the technical and material needs of the constitutional review commission.
- ◆ **Fourth Quarter:** IFES engaged the constitutional review commission with technical recommendations on internal systems and procurement of office and compound equipment, advised former-electoral and referendum bodies on asset disposition, and consulted with electoral commission leadership during introductory strategy sessions.

These activities were implemented with high-quality advisory services that resulted in progress and results on the program's performance monitoring indicators.

QUALITATIVE IMPACT FY2012

IFES international advisers and national officers provided positive contributions to the development of democratic governance mechanisms in South Sudan. Assistance, support, and advice were provided to national counterparts during the planning and implementation of the following program activity areas:

- ◆ Legal, Regulatory, and Electoral Framework Development
- ◆ Electoral Management Development and Asset Disposition
- ◆ Constitutional Organizational and Technical Capacity Support

◆ Constitutional Infrastructure Procurement and Logistical Support

IFES technical assistance and material support to electoral and constitutional development included the following key impact activities:

Legal, Regulatory, and Electoral Framework Development

- ◆ IFES worked with the Ministry of Justice (MoJ) to develop new legal frameworks and conduct briefings, presentations, and a two-day public consultation on legal and electoral processes to stakeholders: government officials, electoral officers, political party members, and civil society representatives (October-December).
- ◆ IFES contributed to the development of the National Elections Bill (NEB) with effective assistance and close support to the MoJ and National Legislative Assembly (NLA), including a two-day public hearing to collect stakeholder views and suggestions (January-March).
- ◆ IFES contributed to the legislative review process and subsequent revisions to the National Elections Act (NEA) 2012 with analysis and technical recommendations to the NLA Legislation and Justice Committee (LJC) and Office of the President (OoP) (April-June).

Electoral Management Development and Asset Disposition Support

- ◆ IFES prepared for establishing the future National Elections Commission (NEC) by developing a NEC engagement plan and providing a policy proposal to the OoP for appointing NEC Board of Commissioners (BoC) through transparent selection mechanisms (November-February).
- ◆ IFES outlined BoC and Secretariat orientation workshop and procurement strategies to develop preliminary NEC engagement plans for implementing capacity building activities (March-June).
- ◆ IFES advised the Southern Sudan High Elections Committee (SSHEC) to resolve outstanding administrative and asset management issues from the 2010 national elections (October-February).
- ◆ IFES advised and assisted the SSHEC and former-Southern Sudan Referendum Bureau (SSRB) with asset disposition issues by assessing the electoral and referendum materials warehouse; providing technical guidelines for retaining, donating, and disposing the materials; and monitoring disposition activities (June-August).
- ◆ IFES engaged with the NEC Chairperson and Deputy Chairperson to discuss future technical and material support activities—BoC orientation, Secretariat formation, and NEC capacity development—during introductory meetings and subsequent strategy sessions (August-September).

Constitutional Organizational and Technical Capacity Support

- ◆ IFES participated in weekly democracy and governance assistance provider coordination and information-sharing meetings and monitored and reported on constitutional review, political party, and legislative developments (FY2012).
- ◆ IFES provided USAID with a comprehensive NCRC assessment that included analysis on the constitutional review timeline, membership composition, international assistance, and technical and material needs (May and June).
- ◆ IFES engaged NCRC leadership with technical proposals for internal organizational structures, Secretariat staffing plan with terms of reference and developed review committee structure, internal rules of procedure, and a draft constitutional text framework (September).

Constitutional Infrastructure Procurement and Logistical Support

- ◆ IFES developed, initiated, and managed the NCRC procurement plan for providing essential services and materials to establish a base of operations: 1) office renovation, 2) compound equipment, 3) office furniture, 4) computing equipment, 5) internet service, 6) supplemental office space, and 7) conference facility (July-September).
- ◆ IFES organized and sponsored the public launching event for the NCRC Action Plan 2012-2013 that attracted more than 50 participants and provided 200 copies of plans for internal and external distribution (September).

The quality of IFES key impact activities with national electoral and constitutional counterparts contributed to the effectiveness of program outputs and outcomes as measured by performance monitoring indicators. In addition to achieving progress on program objectives, the results from IFES activities also contributed directly to the second development objective of the USAID Transition Strategy for South Sudan 2011-2013: *Effective, Inclusive, and Accountable Governance Strengthened*.

QUANTITATIVE IMPACT FY2012

IFES measured progress on program objectives using the five performance indicators identified in the SEASP Performance Monitoring Plan (PMP) that was updated in November 2010. The PMP was oriented towards Sudanese electoral and referendum processes called for in the CPA 2005 and attempted to match specific indicators to the program objectives. However, in the post-referendum period, the PMP was not sufficient for measuring constitutional development of new South Sudan institutions.

In late July, IFES began working with USAID to revise the PMP and associated performance indicators to update for the South Sudan context. In late August, IFES developed a plan for measuring electoral and constitutional development work with revised indicators. IFES submitted a proposed FY2013 Work Plan and Performance Monitoring and Evaluation (PME) Plan to USAID on 5 September that combined electoral and constitutional activities under the five existing indicators and proposed one new indicator. This approach was declined by USAID on 14 September as changing the existing indicators would complicate long-term USAID tracking. Rather, USAID suggested developing new indicators that would measure relevant constitutional activities. IFES is currently revising the PME plan accordingly while also awaiting USAID feedback on the proposed Work Plan.

The FY2013 PME Plan will replace the previous PMP for the duration of the IFES program. The FY2012 Annual Report maintains the previous PMP approach for consistency in reporting progress. However, in an effort to better match the five performance indicators with the five program objectives, the previous P1 indicator has been placed under Objective 2 where it more accurately reflects the work performed. The numbering for the other PMP indicators (1.1, 2.1, 3.1, and 4.1) remains the same even though they do not reflect the corresponding objective numbers. The new PME Plan will provide a clearer presentation of FY2013 quantitative progress with current and new performance indicators.

IFES Performance Monitoring Indicators

IFES support to legal and electoral institution building resulted in **progress on three of five PMP indicator targets** supporting the program objectives. The two indicators with no progress measured the number of

electoral events accomplished and number of electoral officials trained. The lack of progress is reasonable given that no electoral events are currently calendared and no elections commission was established to train during the annual reporting period.

Objective 1: The legal and regulatory framework for national elections is completed in a timely and credible manner

PMP Indicator 1.1: Gaps in Regulatory Framework Filled in with US Government Assistance

Indicator Target: Six of six sets of rules and regulations adopted with US Government support.

Electoral Management Development: Partially achieved through analyzing and recommending revisions during the development, review, and consolidation of the NEA 2012 that strengthened five of six targeted areas for future EMB management: 1) internal structure, 3) observer accreditation, 4) media campaign, 5) polling and counting, and 6) tabulation of results. Provisions reflecting the remaining area—2) voter registration—were sufficiently covered in the previous electoral act and did not require significant revision.

Other areas improved included electoral systems implementation, party and women lists seat allocation, political and campaign financing, and electoral dispute resolution mechanisms.

Objective 2: Electoral Management Bodies at the national, regional, and state levels develop the capacity to operate efficiently and independently

PMP Indicator P1: Number of Electoral Administration Procedures and Systems Strengthened with US Government Assistance

Indicator Target: Six of eight procedural areas covered by US Government assistance.

Electoral Management Development: Partially achieved through technical guidance to the MoJ, NLA, and OoP during the development, review, passage, and enactment of NEA 2012 that strengthened five of eight electoral procedural systems: 1) electoral organization, 3) voter information, 6) electoral campaign, 7) vote and counting, and 8) election and referenda dispute resolution.

Given the confirmation of the NEC in August, IFES anticipates new activities during the next two quarters that will involve the three procedural systems without progress—2) constituency delineation, 4) voter registration, and 5) candidate nomination.

Objective 3: Election Management Bodies develop the technical capacity to administer and oversee key functions of elections administration

PMP Indicator 3.1: Key Events in Electoral Calendar Accomplished with US Government Assistance

Indicator Target: Two-thirds of electoral events conducted according to announced electoral calendar and/or compliant with legal timelines as set in the law.

Electoral Events: Progress not achieved as no electoral events were calendared during the annual reporting period. The first two events—2010 general elections and 2011 referendum—were conducted as scheduled. The Abyei Area Referendum Commission (AARC) was never established and thus the third event—the Abyei referendum—never entered the operational calendar.

Objective 4: Election officials in voter registration, voting, and collation centers nationwide receive training on how to administer credible elections

PMP Indicator 2.1: Number of Referendum/Election Officials Trained with US Government Assistance

Indicator Target: Electoral officials trained: 36 NEC, 55 SSRC/SSRB, and 9 AARC.

Electoral Management Development: Progress not achieved as the lack of a South Sudan electoral or Abyei referendum commission prevented any operational training of electoral officials during the annual reporting period.

Objective 5: Necessary commodities are provided to maximize operational efficiency and public confidence in election procedures

PMP Indicator 4.1: Necessary Commodities are Provided to Maximize Operational Efficiency and Public Confidence in Election Procedures

Indicator Targets: Five of six important types of assets procured with IFES assistance: 1) office setup, 2) data center setup, 3) voter registration materials, 4) polling materials, 5) telecommunications equipment, and 6) transportation services.

Electoral Management Development: No substantial electoral commodity procurements took place due to the lack of a South Sudan election or Abyei referendum commission and no pending electoral events. However, progress was achieved by providing material and logistical support to Ministry of Justice (MoJ) and National Legislative Assembly (NLA) that contributed to public participation and distribution of information during the development of the National Elections Act 2012:

- ◆ IFES organized, conducted, and funded a two-day MoJ consultative forum with electoral stakeholders in early October.
- ◆ IFES provided approximately 40 copies of the draft National Elections Bill (NEB) for MoJ submission to the Council of Ministers (CoM) in mid-December.
- ◆ IFES organized and sponsored a two-day NLA Public Hearing on the NEB with electoral stakeholders in early March.
- ◆ IFES provided approximately 400 copies of the proposed NEB for MoJ submission to the NLA in January, 200 copies for the Public Hearing in early March, 175 copies of the LJC Second Reading Report in mid-March, and 175 revised NEB for further NLA deliberation in late March.
- ◆ IFES provided approximately 175 revised NEB for NLA deliberation in early April and 25 copies of NEA 2012 to the NLA Legislation and Justice Committee (LJC) during the final review and consolidation process in mid-May and in support of the act being submitted to OoP in early June.

- ♦ IFES provided approximately 50 copies of the enacted NEA 2012 for distribution to national government leadership, international partner organizations, and NEC members in August.

Objective 6: The constitutional process in South Sudan is an efficient, inclusive, and transparent process that increases the public credibility and legitimacy of the permanent constitution

Constitutional Administration Development: IFES initiated logistical, technical, and material support to the National Constitutional Review Commission (NCRC):

- ♦ IFES organized and sponsored a half-day public event to launch the NCRC Action Plan 2012-2013 with national and international participants and 200 copies of the plan in early September.
- ♦ IFES provided NCRC leadership with technical proposals for internal organizational structures, Secretariat staffing plan with terms of reference, review committee structure, internal rules of procedure, and a draft constitutional text framework from mid-September.
- ♦ IFES prepared, issued, and managed seven procurement tenders for NCRC material support in mid-September: 1) office renovation, 2) compound equipment, 3) office furniture, 4) computing equipment, 5) internet service, 6) supplemental office space, and 7) conference facility. The last two tenders were marked for withdrawal from the procurement process by early-October.

PROGRAM CHALLENGES FY2012

The main challenges experienced by IFES involved gaining access to electoral policy decision makers and delays in finalizing the draft elections bill in the first quarter and accessing executive decision makers prior to enacting the final elections act in the third. In the fourth quarter, new bureaucratic challenges were faced during engagement with the NCRC leadership. IFES overcame most of these institutional obstacles by leveraging existing and new relationships and remaining proactive and responsive to counterpart requests. This approach was generally successful with the enactment of NEA 2012 and confirmation of the NEC during the fourth quarter; however, the administrative reasons for NCRC inactivity are still pending resolution in the next reporting period.

Electoral Policy Decision Maker Access

When the MoJ first approached IFES to develop the draft elections bill in September, sufficient coordination was anticipated with ministerial counterparts. Over the next six weeks, access was reasonably provided, but once the final draft was submitted in late October, the line of communication was suddenly quiet. IFES was unable to meet key policy decision makers at the MoJ. IFES addressed the issue by seeking an intermediary in the form of the Deloitte ministerial adviser. In mid-December, IFES worked with Deloitte to finalize the draft elections bill prior to submission to the Council of Ministers (CoM). In mid-January, Deloitte also facilitated the next round of IFES technical revisions prior to the Minister of Justice tabling the elections bill at the NLA in early February. Even though direct MoJ interaction was limited in the latter part of the legal development process, IFES provided effective technical assistance through international partner collaboration.

During the next five months, IFES enjoyed regular access to the NLA Legislation and Justice Committee (LJC) Chairperson as IFES provided technical guidance and logistical support to the legislative review process. The IFES National Program Development Officers (NPDOs) played a significant role in arranging meetings, maintaining contacts, foreseeing problem areas, and facilitating access to the LJC members and

support team. IFES was responsive to last-minute assistance requests. Professional advisory services and regular communications resulted in strong relations that enabled IFES to provide technical recommendations that were duly considered and incorporated into the elections act review and revision process.

Once the NEA 2012 was passed by the NLA in mid-April and consolidated and finalized from late April until early June, access to executive electoral policy decision makers was again a challenge. Best efforts were made through formal channels—correspondence and telephone calls—and informal channels—connections with key government officials; however, IFES was unable to meet directly with representatives from the Office of the President (OoP) to discuss the final set of technical recommendations submitted for its consideration in late June. However, IFES leveraged its close relationship with the Chief Justice of the Judiciary of South Sudan (JoSS) to confirm that the OoP Legal Adviser had received the recommendations and convey IFES availability for technical consultation upon request.

Electoral Law Development Delays

Development of the national elections law is required by Transitional Constitution of the Republic of South Sudan (TCRSS) 2011 Article 197. The TCRSS provides for enacting the law within three months from the date of independence—9 July 2011—and then establishment of a national elections commission one month following the law. Given this tight constitutional timeline, electoral law development was destined to miss the official deadline.

IFES briefed MoJ officials on the electoral development process in mid-August, highlighting the constitutional timeline; however, no actions were taken until the MoJ requested formal technical assistance in drafting the elections law in mid-September. IFES responded with a series of preliminary drafts over two weeks until a draft elections bill was ready for public review and consultation by early October. The MoJ was fully aware that it would not meet the constitutional deadline but appeared unconcerned and instructed IFES to continue development but on an expedited basis. The seventh version was delivered in mid-October. Technical revisions took place in mid-December prior to CoM submission and in mid-January after CoM approval. The elections bill was developed and tabled at the NLA over the course of approximately five months from the time IFES support was requested by the MoJ.

The NEA 2012 enacted on 6 July did not meet the constitutional deadline; however, the appointment of the NEC on 1 August met the formal requirement. The development timeline was unrealistic under the best circumstances. Regardless, IFES was capable of producing and delivering the draft bill in less than two months due to advance research on electoral systems, electoral legislation, and electoral management bodies IFES had conducted during the five months following the 2011 referendum. IFES strategic foresight recognized that electoral law development was likely to be a last-minute process and made the necessary preparations to respond in a timely fashion. The ten months required to develop, pass, and enact the law may not have met the official deadline but the end product benefited from the delay and was a more comprehensive and stronger elections law than if the law had been enacted as required.

Constitutional Review Administration Inaction

New bureaucratic challenges emerged during engagement with NCRC leadership in August and September. Since the formation of the NCRC in January, the constitutional review process experienced administrative, operational, and financial delays that prevented any significant activities until the first formal session of the

complete membership in early August. The NCRC put forward innumerable reasons—from lack of quorum to lack of budget, from lack of office to lack of procedures—for its inactivity over the first seven months of a 12-month mandate. IFES initiated technical and material support with the intention of removing the various reasons cited for inaction so that the review process could move forward on an expedited basis. This approach has achieved partial success with the public launch of the NCRC Action Plan 2012-2013, development of internal structures and systems, and initiation of office and compound equipment procurements during the fourth quarter. The operationalization of key NCRC activities is anticipated in the next reporting period.

PROGRAM ADMINISTRATION FY2012

IFES managed program administration issues and requirements throughout the annual reporting period. USAID rules and regulations were adhered to for an IFES contract extension and two modifications. National and international personnel contracted and expanded with program and professional needs. Governmental bureaucratic processes were navigated for organization registration, tax-exempt status, work permits, multiple-entry visas, and alien registrations. Surplus referendum assets were disposed of in Khartoum and Juba. IFES compound administrative infrastructure were updated, renewed, and extended as needed. The following summary highlights key events and activities:

- ◆ **First Quarter:** IFES experienced international personnel changes, expanded its national support team, addressed asset disposition in Juba and Khartoum, formalized its organizational status in South Sudan, and submitted a revised FY2012 work plan and budget to USAID.
- ◆ **Second Quarter:** IFES experienced national personnel changes, renewed visas and working permits for international personnel, suffered delays with asset disposition in Khartoum, and discussed a program extension and modifications with USAID.
- ◆ **Third Quarter:** IFES experienced national personnel changes, prepared for recruiting additional international advisers, registered international personnel with the Ministry of Interior, secured tax exemption for commodities and services, finalized asset disposition in Khartoum, initiated additional asset disposition in Juba, and prepared a program extension and modification proposal to USAID.
- ◆ **Fourth Quarter:** IFES received its second USAID non-funded contract extension and a contract modification enabling engagement with the constitutional development process; experienced USAID, national, and international personnel additions and changes; implemented a new medical insurance program for national employees; transferred surplus referendum assets; renewed contracts for the compound, internet subscription, and vehicle insurance; and submitted its FY2013 work plan and performance monitoring and evaluation plan to USAID.

Additional program administration details are provided to complete the annual reporting process by noting specific events and activities during the fourth quarter:

1. **USAID Personnel:** The USAID Democracy and Governance Team Leader and IFES Contracting Officer Representative (COR) Jennifer Link and Deputy Team Leader John Allelo ended their tours of duty in July. The new Deputy Team Leader Pui-Man Wong deployed to Juba in July. Acting Office Chief Sara Taylor was the interim COR from July until September. The new COR Jeffery Goebel is anticipated in October.
2. **International Personnel:** IFES recruited Electoral Management Adviser Eliane do Rego Torres and Constitutional Field Coordinator Rajesh Budhiraja in August and deployed them to the field on 7

September. IFES Program Associate Ryan Musser was deployed from the Washington DC headquarters office to Juba on 9 September to support NCRC procurement activities.

3. **National Personnel:** Recruitment for a new NPDO was implemented in July and finalized in August. A rigorous evaluation of approximately 15 male and female candidates was conducted through a three-stage interview and testing process. The successful candidate—Ijjo Elias Odego—is set to begin duties on 1 October after ending his position with SSuNDE.
4. **National Employee Support:** IFES researched and implemented a comprehensive medical insurance plan with UAP for its 10 national employees and their immediate dependents. IFES conducts monthly team meetings to provide program updates and receive employee comments.
5. **Program Registrations:** IFES extended multiple-entry visas for existing international personnel and acquired single-entry visas for new international personnel with the Ministry of Interior in August. Work permit applications are underway for October.
6. **Asset Disposition:** As approved by USAID, IFES transferred a surplus SSRB generator to the Judiciary of South Sudan (JoSS) in mid-July. Transfer of the second surplus generator is pending the Juba Teaching Hospital providing a concrete platform in October.
7. **Compound Administration:** IFES extended its compound lease until September 2013 and updated its security plan in August. IFES issued tenders and contracted for internet and vehicle insurance services and issued a tender for compound security services in September.
8. **Program Developments:** USAID issued a non-funded contract extension to 30 September 2013 and contract modification on 3 August that enables IFES to engage the development of a permanent constitution on. IFES submitted its FY2013 work plan and performance monitoring and evaluation plan to USAID on 5 September.

Given the enactment of NEA 2012 in July, confirmation of the NEC Board of Commissioners in August, and engagement with the NCRC in September, IFES anticipates the first quarter of FY2013 to be an active period establishing the NEC and supporting the NCRC to build capacity in both institutions to conduct electoral and constitutional development activities.

FIRST QUARTER FY2013 WORK PLAN

IFES is prepared for activities in support of developing electoral and constitutional institutions in South Sudan. IFES anticipates active engagement with the NEC to prepare strategies and plans for training the commissioners and establishing a temporary office. IFES will also continue providing the NCRC with technical assistance, procurement support, and policy guidance to the constitutional review process. IFES will continue monitoring ongoing electoral and constitutional developments, such as negotiations on holding an Abyei Area referendum in 2013 and any preparations for a national population census in 2014.

Anticipated advisory and commodity services include technical assistance and material support to the following national counterparts:

1. **National Elections Commission (NEC):** IFES is prepared to advise NEC formation policies and initiate capacity development activities upon request. Potential activities include commissioner orientation workshops and seminars on EMB structures, regulations, and procedures for establishing and training NEC departments. Additional activities may include an assessment of existing assets in former state offices of the Southern Sudan High Elections Committee (SSHEC). Procurements may include establishing a temporary central office and providing office and computing equipment.

2. **National Constitutional Review Commission (NCRC):** IFES is prepared to continue engaging the NCRC with Secretariat procedural systems, a draft constitutional text framework, an operational office building and compound, and essential office furniture and computing equipment. Additional activities may include organizational and logistical support to plenary sessions, review committee meetings, and public consultation events at the central or state levels.

In addition to supporting South Sudan government commissions in developing electoral and constitutional processes, IFES will continue building relationships with national and international democracy and governance organizations. For example, IFES is prepared to coordinate efforts with UNMISS Political Affairs and Electoral Assistance divisions in support of the NCRC and NEC. IFES will continue pursuing appropriate relationships with national counterparts and international organizations seeking to develop and advance the South Sudan democratic governance environment.

II. PROGRAM PROGRESS AND KEY ACHIEVEMENTS (QUALITATIVE AND QUANTITATIVE IMPACT)

During the fourth quarter of FY2012, IFES provided technical assistance, advisory services, and material support to the development of electoral and constitutional institutions in South Sudan. Progress was achieved in the following program areas:

- ◆ **Legal and Electoral Framework Development:** The National Elections Act (NEA) 2012 was enacted by the President of the Republic on 6 July but not publicly released until 31 July. IFES distributed copies of the enacted law to government counterparts who contributed to the process.
- ◆ **Electoral Management Development:**
 - The National Elections Commission (NEC) was appointed by the President of the Republic on 1 August. After vetting by the National Legislative Assembly (NLA), eight of nine members were confirmed on 28 August. The ninth member failed to meet the legal age requirement and another Presidential appointment remains pending.
 - IFES conducted introductory meetings and strategy sessions with the NEC Chairperson and Deputy Chairperson to prepare plans for establishing and training the NEC Board of Commissioners.
 - IFES provided asset disposition guidelines to the Southern Sudan High Elections Committee (SSHEC) and former-Southern Sudan Referendum Bureau (SSRB) to retain, donate, and dispose of surplus 2010 electoral and 2011 referendum materials from the warehouse in Juba.
- ◆ **Constitutional Review Development:**
 - IFES engaged the National Constitutional Review Commission (NCRC) with technical guidance on internal organizational structure, Secretariat staffing plan with terms of reference, and review committee structure.
 - IFES organized and sponsored the public event that launched the NCRC Action Plan 2012-2013 with more than 50 national and international participants.

- IFES developed and managed seven procurement tenders to establish an NCRC base of operations: 1) office renovation, 2) compound equipment, 3) office furniture, 4) computing equipment, 5) internet service, 6) supplemental office space, and 7) conference facility.

IFES program activities were guided by the six USAID Task Order objectives that are designed to provide demonstrable progress and achievements with qualitative and quantitative results. Presenting the output and outcomes during the annual reporting period is structured according to the program objectives:

- ◆ **Objective 1:** The legal and regulatory framework for national elections is completed in a timely and credible manner.
- ◆ **Objective 2:** Election Management Bodies at the national, regional, and state levels develop the capacity to operate efficiently and independently.
- ◆ **Objective 3:** Election Management Bodies develop the technical capacity to administer and oversee key functions of elections administration.
- ◆ **Objective 4:** Election officials in voter registration, voting, and collation centers nationwide receive training on how to administer credible elections.
- ◆ **Objective 5:** Necessary commodities are provided to maximize operational efficiency and public confidence in election procedures.
- ◆ **Objective 6:** The constitutional process in South Sudan is an efficient, inclusive, and transparent process that increases the public credibility and legitimacy of the permanent constitution.

The key IFES activities are highlighted and analyzed by relevant objective and quarter to illustrate the quality and impact of advisory services and quantity of material support provided to generate results from the electoral and constitutional assistance program. Overall, the IFES South Sudan program achieved progress on five of six program objectives (1-3 and 5-6) during the annual reporting period. Progress on the fourth objective area was not possible due to the lack of an established elections commission to train. IFES anticipates progress on all six objectives in the next reporting period.

South Sudan Electoral Stakeholder Relations: Fourth Quarter FY2012

During the fourth quarter, IFES met with national governmental bodies and international organizations to build relationships and discuss coordinated efforts in support of democracy and governance development in South Sudan.

National Governmental Bodies

1. **National Elections Commission (NEC):** Introductory meetings and strategy sessions: 9 and 14 August and 4, 13, and 18 September
2. **National Constitutional Review Commission (NCRC):** Discussions on technical assistance and material support: 6, 11, 13, and 20 July; 3, 8, 10, 15, and 28 August; and 3-5, 7, 10, 13, 17, 21, 24, 26, and 27 September
3. **Judiciary of South Sudan (JoSS):** Discussions on electoral and constitutional developments: 17 and 20 July and 9 August
4. **Southern Sudan High Elections Committee (SSHEC):** Discussions on electoral developments and materials disposition: 4, 20, 25, 27, 28, and 31 July; 3 August; and 13 and 18 September

5. **Southern Sudan Referendum Bureau (SSRB):** Discussions on materials disposition: 2, 17, 20, 25, 27, 28, and 31 July and 3 August
6. **National Legislative Assembly (NLA):** Monitoring vetting of NEC appointments: 15, 16, and 28 August
7. **National Bureau of Statistics (NBS):** Event on census preparations: 25 July
8. **Political Parties Leadership Forum (PPLF):** Event on Political Parties Council: 26 July

International Organizations

9. **United Nations Mission in the Republic of South Sudan (UNMISS):** Discussions on electoral and constitutional developments: 18 and 26 July and 6, 12, 17, 19, and 21 September
10. **United Nations Office of Project Services (UNOPS):** 17 September
11. **National Democratic Institute (NDI):** Coordinated NCRC support activities: 29 August and 11 September
12. **International Republican Institute (IRI):** Event to release opinion poll: 17 August
13. **International IDEA:** Discussions on electoral and constitutional developments: 14 September
14. **Deloitte:** Discussion on printing Southern Sudan 2011 Referendum Task Force Final Report: 18 and 24 September
15. **International Development Law Organization (IDLO):** Coordinated NCRC support activities: 28 September

IFES Program Development Officers also participated in and reported on weekly international organization security briefings (Mondays) and DG coordination meetings (Thursdays) throughout the reporting period. Ongoing engagement with national and international groups enables IFES to gather and provide information in support of electoral and constitutional development and program objectives.

OBJECTIVE 1: THE LEGAL AND REGULATORY FRAMEWORK FOR NATIONAL ELECTIONS IS COMPLETED IN A TIMELY AND CREDIBLE MANNER

The Transitional Constitution of the Republic of South Sudan 2011 (TCRSS) provides impetus for establishing a new elections law and an independent elections commission within a timely fashion from independence on 9 July 2011 to ensure that legal frameworks secure democratic governing structures.

LEGAL AND ELECTORAL FRAMEWORK DEVELOPMENT

During the annual reporting period, IFES provided substantial technical and material support to the development, passage, and enactment of the National Elections Act (NEA) 2012. The initial elections bill was drafted through ministerial and public consultation in the first quarter; shepherded through the executive and legislative review processes in the second quarter; passed, consolidated, and finalized for presidential review in the third quarter; and enacted in the fourth quarter. IFES played an essential role by providing legal clarifications, electoral analysis, technical recommendations, and logistical support throughout the process.

Electoral Law Development: First Quarter

During the first quarter, IFES drafted the National Elections Bill (NEB) in close consultation with the Ministry of Justice (MoJ). Revisions were based on analysis of deficiencies in the Sudan National Elections Act 2008 and international electoral standards and practices. IFES utilized a bank of knowledge from previous comparative research and analysis on issues covering constitutional development, electoral legislation, electoral systems, electoral management bodies, and electoral dispute resolution mechanisms. This body of work served as the basis for multiple NEB drafts and several analytical reports, presentations, and correspondence to the MoJ identifying issues and recommending courses of action to guide South Sudan electoral framework development.

During the drafting process, several electoral policy challenges were considered by MoJ officials to provide an adequate legal framework for future electoral processes that meet international standards while also reflecting the South Sudan context. These challenges were primarily driven by timelines for conducting by-elections and the need for all vacant elected seats in the National Legislature to be filled with by-elections. Additional challenges included administrative, technical, operational, and procedural clarifications and adjustments needed to streamline the establishment of the elections commission, operation of the electoral system, and development of electoral dispute resolution mechanisms.

On behalf of the MoJ, IFES organized, conducted, and sponsored a two-day consultative forum in early October to brief electoral stakeholders on the contents of the draft elections bill and receive comments and feedback for consideration in the final drafting process. On the first day, IFES introduced the purpose of the event and the Minister of Justice John Luk Jok provided opening comments. On the second day, IFES facilitated a draft elections bill workshop with a general discussion period and two working group sessions covering seven general areas for examining electoral law:

- | | |
|------------------------|---|
| 1. Election commission | 5. Balloting and counting |
| 2. Campaign finance | 6. Voter registration and boundary delimitation |
| 3. Legal framework | 7. Observers, agents, and media |
| 4. Electoral system | |

The participants actively engaged the process with oftentimes impassioned discussions. Each working group presented their findings and provided recommendations for consideration in drafting the elections bill. Several political parties also provided written comments and analysis on the draft bill. The first day attracted 71 participants (14 women) and the second day 51 participants (5 women) from political parties, civil society organizations, and the international community. Local print and broadcast media covered the event.



Two-day Consultative Forum on Draft National Elections Bill, Juba, 6-7 October 2011

IFES advisers reviewed and analyzed forum feedback and three written statements, incorporating appropriate revisions into the draft elections bill. Additional suggestions and recommendations from the forum and ongoing technical analysis were outlined in an IFES letter for further consideration by the MoJ review committee on 10 October. The final draft elections bill IFES provided to the MoJ included operationally implementable, transparent, and inclusive electoral processes. The key modifications centered on four technical and procedural components:

1. **Elections Commission:** Provided structure for the legal and organizational frameworks that establish independence, composition, structure, and authorities, as well as administrative, financial, and staffing guidelines. Relationships with other governmental bodies were defined to allow streamlined processes that are clear, efficient, and manageable.
2. **Electoral System:** The electoral system was refined to create more representative and accessible technical and operational processes for South Sudan voters and politicians.
3. **Conducting Regular Elections:** Provisions included two key areas for stronger processes:
 - a. **Electoral Dispute Resolution:** Stronger and clearer complaints process was added to ensure future electoral processes are more credible through administrative, judicial, and run-off mechanisms.
 - b. **Campaigning Provisions:** Establishing credible campaign processes were added with clearer provisions regarding the support given to contestants, the manner in which such support is provided, and the accountability of financial expenditures.
 - c. **Media Monitoring:** Provisions for establishing a temporary Media Regulatory Body were clarified and enhanced to provide oversight to campaign coverage.
4. **Conducting By-elections:** Requirements for holding by-elections for vacant National Legislature seats, the framework for by-elections, and timelines for those events were enhanced and clarified.

IFES supported the MoJ elections bill review committee from mid-October until mid-December when the final draft was submitted to the Council of Ministers (CoM). An IFES meeting with the Minister of Justice to discuss IFES recommendations, present arguments in support of those positions, and reach agreements to finalize the draft elections bill on 15 October was followed by several consultations with the Deloitte ministerial adviser in November and December to clarify legal definitions and simplify complicated legal

language. Deloitte facilitated IFES assistance in finalizing the draft elections bill in mid-December with input from the UNMISS Senior Electoral Officer. The final version is an improved elections law that strengthens the democratic process; corrects deficiencies from the previous law; and enhances the structure of the electoral commission, implementation of the electoral system, and resolution of potential electoral disputes.

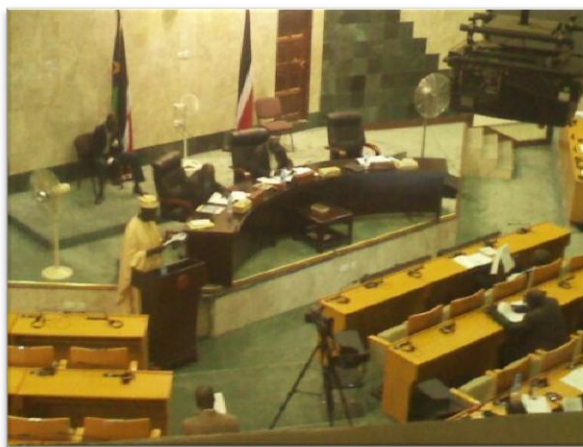
Electoral Law Development: Second Quarter

During the second quarter, IFES continued supporting the MoJ after the NEB was reviewed and approved by the Council of Ministers (CoM) with minor revisions in mid-January. After the NEB was tabled with the National Legislative Assembly (NLA) in early February, IFES engaged the Legislation and Justice Committee (LJC) with technical consultation and logistical support to the four-step legislative review process. The first reading took place on 6 February, the second on 14 March, and the third and fourth readings on 11 April, when the bill was passed by the NLA. Throughout this process, IFES conducted electoral analysis, identified administrative and operational issues, and provided technical recommendations to the LJC Chairperson.

IFES supported an NLA Public Hearing in early March for the LJC to collect stakeholder feedback and written observations. Participants included representatives from the NLA, Council of States (CoS), Ministry of Parliamentary Affairs (MPA), Ministry of Justice (MoJ), Southern Sudan High Elections Committee (SSHEC), Public Grievances Chamber, and University of Juba (UoJ). Other stakeholders included political parties, civil society organizations, and international democracy and governance observers, such as UNMISS, NDI, IRI, and The Carter Center:

- ◆ **Day One:** 149 total participants (136 nationals: 30 women, 106 men and 13 international: 6 women and 7 men)
- ◆ **Day Two:** 84 total participants (76 nationals: 20 women, 56 men and 8 international: 4 women and 4 men)

The IFES operations team organized the venue, printed 300 copies of the 19 January NEB, provided fuel to the NLA generators, and arranged for two days of catering. IFES also prepared invitations, produced the event agenda, and distributed both to national and international stakeholders. The event took place as scheduled and was considered successful by the LJC and several observer groups.



NLA Public Hearing (1 March) and Second Reading (14 March) on National Elections Bill 2012

After the NLA public hearing and second reading, IFES provided technical recommendations to the LJC as the NEB underwent review and revision to incorporate legislator inputs, stakeholder comments, and other legal and electoral observations. By the end of March, the NEB was entering the final stages of the legislative review process on its way to eventual passage in mid-April.

Electoral Law Development: Third Quarter

During the third quarter, IFES continued its active engagement with the LJC and the legislative review process. Technical analysis and recommendations were provided before and after the third and final NEB readings by the NLA in mid-April, during the consolidation and finalization of the National Elections Act (NEA) 2012 in May, and after the submission of the act to the Office of the President (OoP) in mid-June.

The LJC's post-second reading revision process produced several gaps in the electoral system due to inadvertent omissions. IFES alerted the LJC in early April with two sets of technical comments and recommendations prior to the next two NLA readings. During the NLA third and final readings on 11 April—after heated debate between the Minister of Justice, LJC Chairperson, and NLA members—the NEB was passed and the NLA Speaker instructed the LJC to consolidate the proposed revisions and prepare the NEA 2012 for submission to the President of the Republic. However, the key electoral system omissions remained unaddressed by the LJC until after passage of the NEA 2012. IFES addressed the issues by presenting a third set of recommendations on 12 April and preparing additional technical analysis on 15 April. The IFES Country Director briefed the LJC Chairperson on 18 April, and received assurances that the points would be incorporated in the final NEA 2012 during the consolidation of NLA revisions.

During the NEA 2012 consolidation process, IFES worked with the LJC Chairperson to review all LJC reading reports, IFES technical recommendations, and NLA decisions to format and prepare a consolidated version by 15 May. Over the next two weeks, the LJC reviewed the consolidated NEA 2012 and inserted additional technical and clerical revisions. On the afternoon of 1 June, the LJC Chairperson requested IFES to confirm the electronic formatting and provide multiple copies of the act by the next day. IFES confirmed that the LJC incorporated the 15 and 30 May recommendations into the 1 June version and adjusted the layout and formatting; however, there was insufficient time to perform a line-item review of the final version by 2 June. The LJC submitted the final NEA 2012 to the NLA Speaker on 4 June who in turn presented the act to the Minister of Parliamentary Affairs who then formally submitted for presidential review by the week of 18 June. By the end of June, the NEA 2012 remained with the OoP pending executive assent or objection.

IFES Engagement with the Office of the President

During the legislative review process, IFES engaged the executive branch in anticipation of the 30-day presidential review process as provided for in TCRSS Article 85. On 4 May, the IFES Country Director and Senior Program Manager discussed the status of the elections bill with the OoP Presidential Legal Adviser (PLA) and IFES was requested to inform him of any issues that might persist once the act was finalized and submitted for presidential review. On 31 May, IFES was reminded by the Chief Justice of the Judiciary of South Sudan (JoSS) that the OoP-PLA was willing to discuss electoral development issues, including any lingering points with the elections bill. After providing the final NEA 2012 to the LJC in early June, IFES initiated a detailed analysis of the act in coordination with the UNMISS Senior Electoral Affairs Officer. On 22 June, IFES presented a final set of technical analysis and recommendations on the NEA 2012 to the OoP-PLA and requested an appointment to discuss three types of technical comments in the report:

- ◆ **Section One:** Provided 17 technical observations on sections that may require substantive revisions to clarify provisions or correct timeline errors in the act.
- ◆ **Section Two:** Provided 33 clerical observations that recommend revisions to increase clarity, consistency, and accuracy of the act.
- ◆ **Section Three:** Provided 11 cross-referencing corrections between sections and sub-sections to ensure accurate citations in the act.

The recommended points were not mandatory but would strengthen the overall act if incorporated. They clarified definitions, adjusted wording, noted clerical inconsistencies, and corrected cross-referencing citations. None of the points necessitated a presidential objection and could be clarified by electoral regulations issued by the future elections commission. As of the end of June, IFES had not met with the OoP-PLA but confirmed receipt of the appointment request and technical comments.

Electoral Law Development: Fourth Quarter

During the early fourth quarter, IFES made every effort to meet with the OoP-PLA to discuss the final set of electoral law technical recommendations and ensure that the 30-day constitutional timeline would be met. Between 3 July and 31 July, when the enacted NEA 2012 was released publicly, IFES exercised formal means—correspondence and telephone calls—and informal means—connections with government officials—to ensure electoral consultation was provided if required. The IFES Country Director met with the Chief Justice of the JoSS on 17 July to discuss electoral issues and request his assistance in contacting the OoP-PLA. During a second meeting on 20 July, the Chief Justice spoke directly with the OoP-PLA and confirmed that the NEA 2012 would meet all deadlines and that the formation of the National Elections Commission (NEC) would follow accordingly. When the NEA 2012 was released publicly on 31 July, Presidential Decree No. 54/2012 appointing the NEC followed on 1 August. The date of enactment by the President of the Republic was 6 July; however, no explanation was available for why the NEA 2012 was not released earlier. Regardless, the NEA 2012 is the official electoral law for South Sudan.

IFES Impact on Electoral Law Development

The impact of IFES advisory services during the NEA 2012 legislative review, consolidation, and finalization processes was demonstrated by the LJC incorporating all 11 substantive technical recommendations provided between March and May. Incorporation of points initially declined by the LJC after the second reading but reconsidered prior to the third reading provides an example of the IFES capacity to offer and argue for sound policy recommendations.

During the first week of April, IFES convinced the LJC Chairperson on the importance of separate Party and Women list balloting, a significant point that if not incorporated would limit the voter's freedom of choice in selecting between the two lists. The corresponding NEB contained the recommended revisions and the LJC third reading report and final reading process preserved the revision. The 3 April NEB, 4 April Third Reading Report, and 11 April Additional Observations by the LJC contained six of nine IFES recommendations over the course of the legislative review process.

During the NEA 2012 consolidation process, the three pending technical recommendations involving the presidential and gubernatorial elections, legislative assembly member election methods, and date of election announcement were incorporated into the final version. During the process of reformatting the NEA 2012, two additional recommendations—inserting the word “valid” to create “valid votes” during any presidential

or gubernatorial run-off election and reinserting the provision for snap gubernatorial elections—were included to produce a total of 11 accepted recommendations in the 1 June NEA 2012.

IFES engagement during the legislative review process and subsequent electoral analysis successfully convinced the LJC to incorporate the following technical recommendations that strengthened the integrity and legitimacy of the NEA 2012:

A. Elections Commission

1. Position of the Chief Electoral Officer as a Commissioner preserved
2. Provision for removing Commissioners for good cause preserved
3. Authority of Commission Secretariat to administer and recruit staff enhanced

B. Electoral System

4. Provision related to resignation requirement for officials seeking office enhanced
5. Provision related to national basis for proportional representation of Women List preserved
6. Provision for a single ballot for both the Party and Women lists revised to provide separate ballots for each list
7. Provision for announcing the date of general elections six months prior to the event inserted
8. Provision that defines the election of national and state executive leaders and provides for a second round of state executive elections if the 50% plus one threshold is unmet preserved
9. Provision that provides a second round of national and state executive elections if threshold is unmet revised to ensure that only “valid votes” are counted
10. Provision establishing the ability of the voter to select a specific candidate from a geographical constituency ballot preserved
11. Provision that reiterates the process of snap gubernatorial elections from the TCRSS and each state transitional constitution preserved

The impact of IFES advisory services during the development, review, and finalization of NEA 2012 shows that quality electoral analyses and technical recommendations resulted in revision of key sections and preservation and enhancement of others. Unfortunately, the law is not without minor flaws as noted by the final set of IFES technical recommendations from late June. However, the NEC has the authority to clarify lingering issues through its regulatory powers in interpreting and implementing the electoral law. Furthermore, the law may require amendment if the permanent constitution under development includes changes to the governance system that would necessitate revisions to the electoral system before the next general elections anticipated prior to July 2015. Nonetheless, NEA 2012 provides marked improvement over the previous electoral law and protects the rights of voters, ensures adequate elections commission accountability, secures core national and state electoral systems, and provides more effective electoral dispute resolution mechanisms. IFES contributions to the development, review, passage, and enactment of NEA 2012 during the annual reporting period is a concrete result in support of IFES program objectives.

OBJECTIVE 2: ELECTORAL MANAGEMENT BODIES AT THE NATIONAL, REGIONAL, AND STATE LEVELS DEVELOP THE CAPACITY TO OPERATE EFFICIENTLY AND INDEPENDENTLY

IFES has been preparing for the establishment of a new electoral management body (EMB) in South Sudan since the end of 2011 referendum operations. Preliminary research on electoral systems, electoral legislation, and EMB functions during FY2011 set the stage for developing more detailed plans upon enactment of the Transitional Constitution (TCRSS) 2011 in early July. The TCRSS contains a one month deadline for the President of the Republic to appoint an independent National Elections Commission (NEC) in accordance with the constitution and the elections law (Article 197). Enacting the elections law triggered these provisions and the short timeline for establishing the NEC added pressure on the President to appoint "persons of proven integrity" and "competence" as well as "non-partisan and impartial" (Article 197.3). Consequently, the type and character of the future NEC and the actions of its members will establish its legitimacy as one of the most important institutions promoting democratic governance and conducting credible electoral events.

ELECTORAL MANAGEMENT DEVELOPMENT

IFES researched electoral issues and prepared strategies for appointing and establishing the future NEC with a comprehensive technical and material engagement plan throughout the annual reporting period:

- ◆ **First Quarter:** IFES advisers and program officers conducted targeted research on EMB organizational structures and electoral commissioner appointment mechanisms.
- ◆ **Second Quarter:** IFES refined and proposed policy options for establishing transparent, genuine, and inclusive NEC commissioner selection and appointment procedures that were in line with the TCRSS and draft elections law to the Office of the President (OoP).
- ◆ **Third Quarter:** IFES conducted additional research on EMB structures and the electoral timeline to expand the preliminary engagement plan for building administrative and operational capacity of the future NEC Board of Commissioners (BoC) and Secretariat.
- ◆ **Fourth Quarter:** IFES engaged with the NEC Chairperson and Deputy Chairperson after their presidential appointment in early August and September to offer advisory services, conduct initial assessments, and discuss strategies for training the NEC to conduct future electoral events.

The new NEC will be charged with preparing the regulatory framework and operational plans for conducting future electoral events, including boundary delimitation, voter registration, legislative by-elections, and general elections. The BoC and Secretariat will require extensive technical training to build the professional capacity to undertake the administrative, financial, and operational activities necessary to fulfill its Constitutional mandate. IFES is prepared to provide the technical guidance, training strategies, and procurement support needed to establish a professional commission capable of conducting credible electoral activities and events.

IFES Research on EMB Structures and Commissioner Appointment Mechanisms

Building on previous electoral research, IFES conducted additional research on EMB organizational structures and commissioner appointment mechanisms to analyze comparative models and develop policy options appropriate to the South Sudan political and institutional context.

EMB Organizational Structures

The first research topic focused on internal EMB structures and explored national, regional, and international models to develop options for organizing the new NEC with an emphasis on practicality versus bureaucracy. The research and analysis methodology examined three universal EMB models: the governmental, independent, and mixed models. Examples from other countries were provided and advantages and disadvantages were presented to propose an appropriate model for the future NEC. The suggested models include an organizational structure, definitions of the responsibilities of commission members, and the role of the commission Secretariat. The goal was to develop an EMB structure that can operate effectively within the South Sudan context.

EMB Commissioner Appointment Mechanisms

The second topic on EMB commissioner appointment mechanisms researched national, regional, and international methods for commissioner selection to develop policy options for consideration by electoral policy decision makers. Proposed mechanisms and options outlined in the IFES research note from 26 October were enhanced to provide a more robust argument for establishing clear procedures and criteria for selecting electoral commissioners in consultation with electoral stakeholders. Previous work and new considerations were combined to produce a set of policy proposals that were submitted to the OoP Legal Adviser on 6 February to inform the NEC commissioner selection process.

The design of an electoral commissioner appointment process benefitted from a comparative analysis of methods used by regional and international electoral management systems. Research from other electoral mechanisms was applied to South Sudan's legal, electoral, social, and political frameworks. Establishing the national legal context enabled an elaboration on the normative standards and administrative procedures for guiding a four-step appointment process—recruitment, selection, appointment, and confirmation. This analytical approach informed the development of options for consideration by policy decision-makers.

The process for appointing EMB members is typically defined in the national electoral law, with recruitment and selection methods defined either by legal frameworks or administrative procedures. Formal appointments may derive from the head of state, members of the executive or legislative branches, a judicial body, a political party, or some combination thereof. The process may be consultative, such as through public forums or hearings, or unilateral, such as by authoritative decree. Recruitment may come from closed nominations or open advertisement, may include some form of public or private test of merit and integrity, or may be from a pool of nominees or only the exact number of nominees required. EMB appointment methods vary from country-to-country but most contain procedural similarities.

The various electoral commissioner appointment mechanisms are generally composed of the following four-steps: 1) recruiting candidates, 2) selecting well-qualified candidates, 3) appointing the candidates, and 4) confirming the appointed candidates.

The points below outline the four steps and procedural approaches that have been implemented in other countries¹:

¹ International IDEA, 2006: Chap. 4 and ACE Electoral Knowledge Network, 22 June 2009



1. Recruiting Candidates: Collection of potential candidates:

- A. Candidate Nomination** – A governmental body, civil group, or individual person puts forward or nominates possible candidates (i.e., Sierra Leone, Serbia, Ukraine, and Yemen).
- B. Open Recruitment** – Candidates are allowed to submit their own names for consideration (i.e., South Africa, Iraq, and Namibia).

2. Selecting Candidates: Creating a pool of qualified candidates:

- A. Appointing Authority** – The body, group, or persons who appoint the commissioners produce the candidate shortlist (i.e., Indonesia).
- B. Judicial Vetting** – Judicial officials vet the candidate pool for qualified candidates to ensure they meet the criteria provided for in electoral legislation or other legal frameworks (i.e., Namibia).
- C. Legislative Vetting** – A legislative committee vets the candidate pool for qualified candidates in accordance with legal and electoral frameworks (i.e., South Africa).
- D. All-Party Conference** – A conference of all political parties selects a shortlist from the candidate pool (i.e., Botswana).
- E. Direct Submission** – Stakeholders, such as political parties or civil society groups, may submit candidate shortlists directly to the appointing authority (i.e., Burkina Faso and Guatemala).

3. Appointing Candidates:

- A. Consultative** – Selection and appointment of commissioners from candidate shortlists can include consultations with a President/Prime Minister and/or leader of the Opposition (i.e., Fiji, Trinidad and Tobago). Consultations can also involve political parties (i.e., Benin), civil society (i.e., South Sudan), or a Public Service Commission (i.e., Papua New Guinea).
- B. Unilateral** – Selection and appointment takes place by the head of state with no consent or consultation required with governmental bodies or stakeholders (i.e., Sudan, India, Malaysia, Senegal, and Zambia).

4. Confirming Candidates: A secondary body confirms the commissioners nominated by the appointing authority, which could include the legislature, opposition, political parties, judiciary, or other stakeholders (i.e., South Sudan and Iraq).

Examining comparative EMB appointment mechanisms reveals an array of potential methods available when designing a new set of appointment policies and procedures. The four-step process—recruitment, selection, appointment, and confirmation—is common but the specific policies adopted within these steps rely on appropriate national legal and electoral frameworks and internal administrative processes.

In South Sudan, the key component to launching a four-step NEC appointment process would have been a mechanism for identifying a qualified pool of commissioner candidates. IFES recommended the formation of a selection committee composed of different stakeholders to the OoP-PLA for recruiting and selecting the

candidates and thereby assisting the President in appointing the NEC for legislative confirmation. However, the actual recruiting process employed during the appointment of the new NEC is unknown. Regardless, the composition and qualifications of the confirmed BoC will contribute to the credibility afforded to future NEC activities by electoral stakeholders.

NEC Capacity Development Engagement Plan

The new NEC will be charged with preparing the regulatory framework and operational plans for conducting future electoral events. The Board of Commissioners (BoC) and Commission Secretariat will require extensive technical training to build its professional capacity [see Annex 4].

IFES is ready to engage the BoC and Secretariat with long-term technical assistance and material support to administrative and operational activities. Initial capacity building events would include orientation and training for the NEC management and development of a strategic plan, regulatory framework, and organizational structure. Additional support would include providing temporary office space and procuring essential office equipment, such as furniture and computing assets. IFES international advisers and national program officers are prepared to work closely with NEC counterparts on an ongoing basis to provide advisory services, technical guidance, training programs, and commodity support in all areas of institutional development for electoral management operations.

The IFES preliminary NEC development plan prepared in March and refined in mid-May was expanded in late June, mid-August, and mid-September to become the draft NEC capacity building engagement plan that includes additional details on the initial BoC strategy sessions and orientation workshops. Additional IFES advisory development and input from the NEC leadership is anticipated in the next reporting period.

NEC Board of Commissioners and Secretariat Orientation Plan

IFES proposes a three-phase NEC orientation plan to initiate the technical training of the BoC and Secretariat leadership. The first phase is an introductory strategy session for the BoC after the group is sworn in to discuss NEC formation and development of an initial action plan and budget for the first fiscal period of 2013. The event will enable the Chairperson to meet the BoC and explain the expected mandate of the NEC and BoC in general. IFES is prepared to support the reception with technical and material assistance.

The second phase involves an intensive one-week BoC orientation workshop that covers the functions and duties of commissioners, presents different organizational structures, outlines international standards for regulatory development, and introduces administrative and operational strategies for establishing a new electoral commission. The key outcomes from the workshop would include preparing draft BoC rules of procedure, a preliminary work plan, and an electoral event timeline. The BoC would also formulate and agree upon an internal organizational structure for the NEC and Secretariat and identify the recruitment process for selecting and appointing a Secretary General.

The third phase provides a similar one-week Secretariat management orientation workshop that focuses on introducing NEC functions and duties and the steps for implementing the development strategies and policies prepared during the BoC workshop. The key outcomes from the third phase would include identifying administrative and operational procedures for managing NEC departments and preparing a comprehensive

work plan for implementing policies, developing training plans, drafting procedures, hiring personnel, and managing assets. The following outline presents the three-phase plan for the BoC and Secretariat orientation:

First Phase: Commissioner Strategy Session

IFES sponsors and facilitates a one-day introductory strategy session for the BoC to present a preliminary plan for establishing the NEC and building its administrative and operational capacity. The event would include the following topic areas:

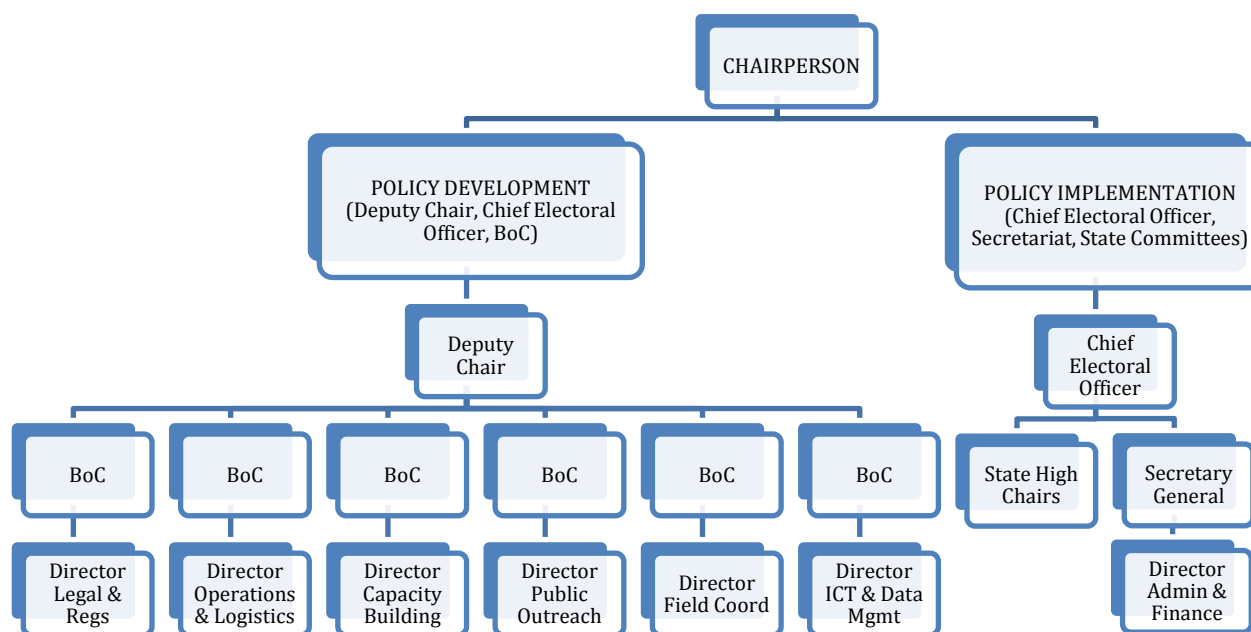
1. **Introduction:** Present the mandate of the NEC and functions and duties of the Chairperson, Deputy Chairperson, Chief Electoral Officer (CEO), and Commissioners.
2. **Orientation:** Conduct an interactive session that enables the BoC to know one another as professionals and colleagues. Include presentations on the general purpose, structure, policies, activities, budget, and timelines that will be further elaborated upon in the future BoC orientation workshop. Discuss recruitment of a Secretary General.
3. **Estimated Timeline:** November-December 2012

Second Phase: Commissioner Orientation

IFES sponsors and conducts a one-week orientation workshop for the NEC Chairperson, Deputy Chairperson, CEO, and Commissioners with international electoral consultants and trainers and guest speakers from regional election commissions. The training would include the following topic areas:

1. **Purpose:** Introduce the functions of an electoral commission, duties of electoral commissioners, and process of developing a three-year strategic plan.
2. **Structure:** Conduct interactive training sessions on organizational approaches towards developing the legal, managerial, administrative, financial, operational, and logistical structures of an electoral commission.
3. **Policies:** Develop consensus on the contents of the regulatory framework, types of administrative and operational procedures, and shape of the internal organizational structures, including the Secretariat.
4. **Activities:** Prepare BoC rules of procedure and NEC organizational structure and develop a timeline for producing a three-year strategic plan and drafting the initial regulatory framework that includes internal regulations, recruiting policies, staff training plan, and asset management plan.
5. **Estimated Timeline:** January 2013

Representative Model: NEC Organizational Structure – BoC, Secretariat, and Directorates



Third Phase: Secretariat Orientation

IFES sponsors and conducts orientation workshop for CEO, Secretary General, and Secretariat Directors with international electoral consultants and trainers and guest speakers from regional electoral commissions. The Chairperson, Deputy Chairperson, and other BoC members shall participate as moderators. The training would include the following topic areas:

1. **Purpose:** Introduce the functions of the Commission Secretariat, duties of Secretariat members, and the process of implementing a five-year strategic plan.
2. **Structure:** Conduct interactive training sessions on the NEC organizational structure agreed upon by the BoC for establishing the legal, administrative, financial, operational, logistical, public outreach, capacity building, and ICT functions of the electoral commission.
3. **Policies:** Develop consensus on the type of administrative and operational procedures necessary to establish, manage, train, and operate the Secretariat.
4. **Activities:** Prepare NEC activity timeline for implementing policies, conducting training workshops, developing operational plans, drafting procedures, recruiting personnel, and managing assets.
5. **Estimated Timeline:** March 2013

NEC Preliminary Development Plan

IFES will continue to work with the BoC and Secretariat to develop a three-year NEC strategic plan and implement the NEC work plan with advisory services and ongoing capacity building activities. IFES intends to deploy the Building Resources in Democracy, Governance, and Elections (BRIDGE) training program to develop NEC administrative and operational capacity.

1. **NEC Strategic Plan Development:** IFES and NEC trainers conduct a series of workshops and activities that result in a formal NEC Strategic Plan 2012-2015 based on the strategic planning cycle:²
 - A. **Step 0 – Envision/Review:** Endorsing the strategic planning process
 - B. **Step 1 – Plan:** Planning the strategic planning process
 - C. **Step 2 – Define:** Defining the strategic foundations of the NEC
 - D. **Step 3 – Assess:** Conducting the organizational assessments and strengths, weaknesses, opportunities, and threats (SWOT) analysis
 - E. **Step 4 – Identify:** Identifying the NEC's strategic pillars and establishing the strategic goals
 - F. **Step 5 – Consult:** Engaging key stakeholders in the strategic planning process
 - G. **Step 6 – Strategize:** Setting measurable objectives, responsibilities, and timelines
 - H. **Step 7 – Deploy:** Deploying strategies from department to individual level
 - I. **Step 8 – Execute:** Executing and monitoring the NEC's strategy

Estimated Timeline: April-May 2013 (timeline depends on strategic planning consultant/trainer availability)

2. **NEC Capacity Building:** IFES and NEC trainers develop a series of BRIDGE capacity building workshops on the core functions of the Commission and Secretariat:
 - A. **Administrative Activities:** Management, administration, finance/accounting, training methods, regulatory/procedural drafting, contracts/procurement, inventory/warehouse maintenance, reporting, and computer software training.
 - B. **Operational Activities:** Boundary delimitation, voter registration, public outreach, voter education, candidate nomination, database and results management, field/logistical operations, and complaints.

Estimated Timeline: June-July 2013 (timeline depends on BRIDGE trainer availability and schedule of other electoral activities)

NEC Preliminary Procurement Plan

IFES is prepared to assist the NEC and Secretariat with material and commodity support to enable the BoC and Secretariat to become operational on an expedited basis. Procurement activities would include temporary office space, essential office equipment, and asset management policies and procedures.

1. **Establish Temporary Office:**
 - A. Assist and support NEC in identifying and leasing temporary office space for 3-6 months until the RSS provides long-term office building and warehouse.
 - B. Explore feasibility of utilizing current offices of Southern Sudan High Elections Committee (SSHEC) as initial office and conference space.

Estimated Timeline: November-December 2012

² Spinelli, Antonio. *IFES Strategic Planning for Effective Electoral Management: A Practical Guide for Election Management Bodies to Conduct a Strategic Planning Exercise*, October 2011

2. Provide Office Equipment based on NEC Organizational Structure:

- A. Identify the projected number of key management and staff for procuring assets.
- B. Initiate planning and procurement of office furniture: desks, chairs, cupboards, conference table and chairs, executive offices, kitchen appliances, and other assets.
- C. Initiate planning and procurement of equipment: desktops, laptops, printers, photocopiers, projectors, scanners, server, UPS, VSAT, generators, and other assets as necessary.
- D. Clarify limitations on types of procurements: salaries, vehicles, housing, security, fuel, meals, refreshments, and other restricted assets and services.

Estimated Timeline: November-December 2012

3. Manage NEC Assets and Resources:

- A. Advise and facilitate legal transfer of SSHEC assets and resources to new NEC.
- B. Conduct asset transfer of all USAID-donated equipment upon handover to new NEC.
- C. Ensure NEC asset management policies, procedures, and personnel are in place prior to distribution.
- D. Initiate NEC inventory control mechanisms and monitor asset management systems.
- E. Provide guidance with developing NEC asset and warehouse management plan.

Estimated Timeline: December 2012 (ongoing process as each component of NEC is formed, trained, and employed based on electoral event schedule)

IFES Research on Pending Legislative By-elections

The future NEC may be required to conduct several national and state legislative by-elections to fill seats vacated since the 2010 general elections. TCRSS Article 64 and a similar provision in each state constitution provides for by-elections in the case of an elected seat becoming vacant for whatever reason. IFES engaged with the Ministry of Parliamentary Affairs (MPA) and Council of States (CoS) in May to determine the number of vacant elected seats in the national and state legislative assemblies.

The CoS identified one vacant elected seat. The MPA identified two vacant elected seats in the National Legislative Assembly (NLA) and nine vacant elected seats in five State Legislative Assemblies (SLAs):

STATES	SEATS	COMMENTS
Council of States		
Jonglei	1	Seat filled by SLA election
National Legislative Assembly		
Central Equatoria, No. 14	1	Death of member
Jonglei, No. 17	1	Death of member
State Legislative Assemblies		
Central Equatoria	1	No voting due to 1 of 2 candidates dying
Jonglei	1	Death of member

STATES	SEATS	COMMENTS
Lakes	2	1 death; 1 court conviction
Western Equatoria	2	Cancelled votes
Northern Bahr el-Ghazal	3	Court convictions

IFES Census Development Monitoring

One of the future activities of the new NEC will be to coordinate with the National Bureau of Statistics (NBS) to conduct boundary delimitation for new electoral constituencies. TCRSS Article 194 provides for conducting a new population census to determine the number of geographical constituencies for the next general elections anticipated in the spring of 2015. IFES monitored census developments throughout the annual reporting period as they relate to future electoral activities, such as boundary delimitation of geographical constituencies and voter registration.

In early June, the NBS Chairperson informed IFES that census preparations were currently suspended due to a lack of directives from the OoP and an insufficient operational budget. When asked about the validity of the previous census, the NBS asserted that the 2008 Southern Sudan census results are credible by international norms and could be used for the 2015 general elections as well as national resources and services allocation. However, high-level political positions denouncing the census prior to the 2010 general elections provide an obstacle to acceptance for future use. Technical challenges to a new census identified by the NBS include: 1) insufficient time and infrastructure, 2) inadequate migration/internal displacement data, 3) border area/internal insecurity, 4) internal administrative border disputes, and 5) lack of international support. The NBS remains ready to conduct operations given official orders and sufficient national resources and international assistance.

The NBS proposed an operational schedule for implementing a South Sudan census in November, but no activities took place until an international assessment took place in the third quarter. On 25 July, the NBS and consultants sponsored by the UN Population Fund (UNFPA) briefed government and international stakeholders on proposed preparations for conducting a census by 2014 if sufficient funding—approximately \$101 million USD—could be provide to operationalize the event. There were no further census developments available as of the end of September.

The timeline for conducting a credible census prior to the next general elections has likely passed despite the constitutional requirement. Government leadership must determine whether to amend the constitutional provision to forgo a new census or accept the 2008 census results as the basis for the next national and state elections. IFES will continue monitoring and reporting on census developments.

IFES Engagement with NEC Leadership

After the President of the Republic appointed the NEC on 1 August, IFES immediately contacted the Chairperson and Deputy Chairperson to arrange introductory meetings. IFES met the Chairperson on 9 August with USAID and the Deputy Chairperson on 14 August to offer advisory services and discuss strategies for establishing and training the Board of Commissioners (BoC) and Secretariat. The Chairperson explained his managerial philosophies regarding the need for professional development, technical training,

strategic planning, and building strong relationships between the NEC, IFES, and USAID. The Deputy Chairperson is also the SSHEC Acting Chairperson and thus IFES has an established relationship and mutual respect for her professional abilities and contributions during the 2010 general elections. The NEC leadership welcomed international support and pledged cooperation in forming the NEC.

The NLA vetted the NEC appointments in August and confirmed eight of nine members on 28 August. IFES program officers observed the legislative proceedings and reported that the ninth member did not meet the minimum age requirement of 35 as provided for in NEA 2012 Section 10(2)(a). The confirmed NEC members are awaiting a presidential appointment and legislative confirmation of the final member and the formal swearing-in ceremony before conducting any official NEC activities.

Despite the delay in swearing-in the full BoC, IFES advisers continued engaging with the NEC leadership throughout September to understand issues associated with establishing the NEC and to conduct an initial assessment of material needs for establishing a temporary office for the BoC to conduct activities. On 18 September, the Deputy Chairperson briefed IFES on several issues related to establishing the elections commission:

1. NEC Formation Issues:

- A. Deputy Chairperson is preparing general strategies for proposal to the Chairperson for initial NEC activities (i.e., organizational structure, budgeting, etc.)
- B. Preliminary efforts to identify Secretary General candidates are frustrated by lack of qualified personnel; IFES suggested developing a recruiting strategy to ensure transparent and professional process.
- C. Any gaps in the NEA 2012 will require NEC regulations to clarify electoral and operational activities.
- D. NEC to prepare SSHEC asset transfer plan once NEC is formally established.
- E. IFES summarized possible technical assistance once NEC is active (i.e., BoC introductory strategy session, BoC orientation workshop, NEC strategic planning, etc.).

2. NEC Deputy Chairperson Concerns:

- A. NEC line of authority for government support unclear (i.e., Minister of Finance and Economic Planning (MoFEP) says Office of the President (OoP), but OoP says NEC is independent).
- B. NEC must prepare 2013 budget (January-June) by mid-November, but without being sworn-in, activities are limited and time short when NLA returns from recess.
- C. NEC is unclear what the formal salary structure should be based on due to lack of clarity from RSS-MoFEP.

At the end of September, the IFES Electoral Management Adviser and National Program Development Officer has arranged for a series of meetings in early October to assess the status of the former-SSHEC office. The Deputy Chairperson had suggested that a temporary office could be established for the BoC to conduct its initial planning activities until a permanent facility could be provided by the South Sudan authorities. IFES will determine what material support is needed to provision the office and provide any essential furniture and computing equipment and other appropriate office infrastructure during the first month of the next reporting period.

IFES Impact on NEC Establishment FY2012

IFES advisory services impacted the establishment of the NEC in two significant ways. First, the development, passage, and enactment of the NEA 2012 provided the NEC with a solid legal and regulatory framework. Second, the proactive development of a comprehensive engagement plan for establishing, orienting, training, and provisioning the NEC prior to its appointment and confirmation provided the foundation for building the administrative and operational capacity to conduct future electoral events.

IFES NEC Activities First Quarter FY2013

In the next reporting period, IFES will work with the NEC to draft an implementing protocol between the NEC, IFES, USAID, and the appropriate South Sudan governmental authorities. The protocol establishes formal relations between IFES and a permanent institution and outlines the technical and material assistance provided by IFES and the administrative support provided in return by the NEC. Additional activities will include developing a preliminary action plan and budget, conducting introductory strategy sessions, preparing for a BoC orientation workshop, and assessing initial material needs for establishing a temporary BoC office to conduct NEC planning activities.

OBJECTIVE 3: ELECTION MANAGEMENT BODIES DEVELOP THE TECHNICAL CAPACITY TO ADMINISTER AND OVERSEE KEY FUNCTIONS OF ELECTIONS ADMINISTRATION

During the annual reporting period, IFES consulted and advised the Southern Sudan High Elections Committee (SSHEC)—the legacy electoral body from the 2010 general elections—on issues related to general administration and management of electoral offices, equipment, and materials. IFES advisers and program officers developed close relations with SSHEC officials as they navigated difficult bureaucratic processes resulting from separation from Sudan and prepared to transfer resources and assets to the future elections commission in South Sudan.

ELECTORAL MANAGEMENT DEVELOPMENT

IFES Southern Sudan High Elections Committee Support FY2012

During the implementation of the 2010 Sudan national elections, the Sudan National Elections Commission (NEC) appointed the SSHEC to supervise electoral activities in the Southern Sudan. SSHEC consisted of a central office in Juba and was in close coordination with the 10 State High Committees (SHCs) located in each capital. After the April 2010 elections, however, SSHEC and the SHCs were essentially abandoned to their own devices. Staff was reduced to a skeleton crew, used/unused ballots were destroyed, remaining assets were secured, and ballot boxes and warehouses were loaned to the Southern Sudan Referendum Bureau (SSRB). Shortly after the January 2011 referendum, the Sudan NEC informed the caretaker officials that no further funding would be forthcoming and their positions and resources were now the responsibility of the Government of Southern Sudan (GoSS). However, GoSS officials were ambivalent to the plight of the SSHEC officials, and consequently, the offices, materials, and assets were left in an administrative limbo since March 2011 with neither directions nor funding to resolve their condition.

IFES Advisory Support: First Quarter

The case of the abandoned SSHEC was presented to IFES in mid-October after the Acting Chairperson and two SHC Representatives attended the MoJ consultative forum on the elections bill earlier that month. After the independence of South Sudan in July, SSHEC and its resources and assets were placed under the authority of the Office of the President (OoP). However, the caretaker officials were still having difficulty resolving its status as a transitional electoral body pending establishment of a South Sudan NEC. In addition to uncertain legal status, the officials had no access to funding for office rents, staff salaries, and other operating expenses. The SSHEC has been managing substantial assets that include offices, warehouses, vehicles, office furniture, computing equipment, and miscellaneous materials. SSHEC is prepared to transfer these resources to the future NEC. SSHEC requested IFES assistance in resolving its outstanding issues. IFES agreed to advise the matter and received copies of the chain of official correspondence from the Sudan NEC and GoSS ministries from late 2010 until mid-2011.

IFES consulted with SSHEC officials on several occasions from mid-October through mid-November and provided policy guidance and advice on how to approach officials in the OoP to make their case. SSHEC officials were finally able to secure meetings with the Minister in the OoP in late November who then received instructions from the President of the Republic to forward the case to Chief Justice of the Judiciary to determine SSHEC's legal status in South Sudan. The President also approved a grant from his office to resolve four of the 10 months of outstanding SSHEC salaries, rents, and expenses. The remaining funds were ordered from the Ministry of Finance. On 13 December, the Chief Justice determined that maintaining the SSHEC central and state offices and assets is legally appropriate in the light of the TCRSS that states: "all current institutions shall continue to perform their functions and duties, unless new actions are taken in accordance with the provisions of this Constitution" (Art. 200). SSHEC is the legitimate carryover electoral institution charged with managing the remaining assets until they can be transferred to the future NEC.



SSHEC Acting Chairperson and Central Office in Juba, 12 October 2011

IFES Advisory Support: Second Quarter

IFES monitored SSHEC developments and maintained communications with SSHC representatives. In early February, IFES program officers requested additional information on the type, status, and location of assets available for transfer to the future NEC. In mid-February, SSHEC provided general inventory records from 18 November 2010 that indicated substantial assets: 10 offices and warehouses; 13 vehicles; and an

assortment of office furniture, computing equipment, and other supplies and materials. In mid-March, the Acting Chairperson reported that additional funds for outstanding SSHEC salaries, rents, and expenses were received from the Ministry of Finance and Economic Planning. In addition, SSHEC officers would be placed on the government payroll until the establishment of the new NEC and the formal transfer of resources and assets. IFES reported on these developments and maintained regular contact with SSHEC officers.

IFES Advisory Support: Third Quarter

IFES monitored SSHEC activities and advised on data and asset management issues, including the collection of 2010 election results data from the Sudan NEC and the disposition of surplus electoral and referendum materials from the central warehouse in Juba.

The Acting Chairperson reported success in acquiring the 2010 voter registration and general elections data from the Sudan NEC in Khartoum in mid-May but also noted the lack of progress in producing current SHC asset inventories due to unresponsive representatives from some states. SSHEC officials assured IFES that work on the inventories was ongoing, but by the end of June, no further updates were available. The SSHEC also noted concerns regarding the disposition of surplus electoral and referendum materials from the former-SSHEC/SSRB warehouse in Juba:

1. **2010 Electoral Data:** SSHEC provided IFES with an electronic copy of all 2010 general elections data for Southern Sudan: 1) constituencies, 2) voter registration, 3) polling station locations, and 4) results. Electoral data will be archived for transfer to future NEC.
2. **SSHEC Assets Inventory:** Acting-Chairperson directed State Representatives to prepare updated asset inventories in February; however, not all offices have completed the work. IFES advised that the Office of the President and USAID are both keen to have this information as the previous assets will form the basis of new support to the future NEC.
3. **Former SSHEC/SSRB Warehouses:** Acting-Chairperson was reluctant to address the issue of electoral and referendum materials disposition in Juba or state warehouses as the outstanding rents from the SSRB are a serious concern and outside her areas of responsibility.

IFES coordinated with SSHEC/SSRB officials in late June to assess the condition of the central warehouse in Juba that was used jointly by the two bodies. The outcomes of the assessment in June and subsequent asset disposition guidelines in July will be elaborated upon in the section covering Objective 5 on commodity provision in support of electoral activities.

IFES Advisory Support: Fourth Quarter

IFES followed-up with the SSHEC Acting Chairperson on updated asset inventories from the SHCs upon her return from electoral administration training course in South Africa in mid-September. The process of assembling current inventories was ongoing with five of 10 states still pending updates. By the end of September, IFES received inventories for the central office and eight of 10 SHCs. An inventory review is underway with plans to assess the condition of the stored assets in the state capitals once the South Sudan NEC is operational and the SSHEC materials are legally transferred to the NEC. After more than two years of storage—with possible exposure to heat, dust, and rain—the condition of the assets, especially computing equipment, will require assessment to determine if they are usable for future electoral activities or require supplemental procurement by IFES.

IFES Advisory Support FY2013

The new NEC will benefit from SSHEC resources and assets and could utilize the professionally trained capacity of current and former-SSHEC officials when establishing its Secretariat and directorates. These assets are secured by Section 153 of the National Elections Act (NEA) 2012 that contains a provision ensuring all "rights, properties, and liabilities of the Election Committees established under the National Elections Act 2008" shall vest to the NEC once established. IFES is prepared to work with current SSHEC and future NEC officials to assess the condition of the remaining assets and advise asset transfers accordingly. IFES advisers and program officers remain in close contact with SSHEC officials and are monitoring ongoing asset management developments.

OBJECTIVE 4: ELECTION OFFICIALS IN VOTER REGISTRATION, VOTING, AND COLLATION CENTERS NATIONWIDE RECEIVE TRAINING ON HOW TO ADMINISTER CREDIBLE ELECTIONS

Due to the pending establishment of the South Sudan NEC, IFES did not conduct any electoral training activities as there were no electoral officials to train during the annual reporting period.

OBJECTIVE 5: NECESSARY COMMODITIES ARE PROVIDED TO MAXIMIZE OPERATIONAL EFFICIENCY AND PUBLIC CONFIDENCE IN ELECTION PROCEDURES

During the annual reporting period, IFES did not procure any significant electoral commodities as there were no elections or referenda to support. However, IFES disposed of referendum assets in Khartoum and Juba and supported South Sudan ministerial and legislative bodies during the development and review of the new elections law in the first three quarters. IFES also advised former-electoral and referendum bodies with guidelines on how to dispose of surplus materials in the third and fourth quarters. IFES adhered to all USAID and IFES rules and regulations for asset disposition and procurement throughout the activities.

ELECTORAL MANAGEMENT DEVELOPMENT

IFES Asset Disposition of Referendum Materials FY2012

In the final quarter of FY2011, IFES closed its operations in Khartoum upon USAID directive; disposed of the majority of surplus office assets to local non-governmental organizations and universities; and prepared a core set of furniture, equipment, and a vehicle for transfer to Juba. However, the independence of South Sudan in July complicated air cargo operations between the two countries. Disposition of the former-referendum data center was achieved in Juba, but the Khartoum materials were caught in administrative limbo that prevented transfer to Juba for ten months, and in the end, were transferred in Khartoum.

IFES Khartoum Asset Disposition: First, Second, and Third Quarters

IFES had attempted to work with air cargo agents in Khartoum since July 2011 in an effort to secure passage of the former-IFES Sudan office equipment and Nissan Patrol vehicle to Juba. The backlog of air cargo requests from north to south was followed by increased transport restrictions by Sudan authorities. In mid-November, IFES approached USAID with a request for guidance in disposing the office assets in Khartoum with another USAID-funded organization. After a series of discussions and an inventory review, USAID suggested that the assets be reserved for a new program run by Counterpart International. However, IFES received permission to continue seeking approval from the Khartoum government authorities to ship the

vehicle to Juba. The asset disposition and transfer process remained in limbo at the end of December with additional bureaucratic delays and security clearances preventing the vehicle shipment.

The backlog of air cargo requests from north to south increased as transport restrictions by Sudan authorities grew more prohibitive in December. There was still no progress in March when IFES requested the Sudan NEC to intervene on behalf of IFES with the appropriate ministerial authorities. As a result, IFES was informed that the furniture assets are not an issue for transfer to Juba; however, the vehicle must be disposed of in Khartoum. Regardless, the delays persisted and IFES proposed that all assets be transferred to organizations in Khartoum and USAID approved the disposition of assets to local recipients. As of mid-May, IFES transferred a portion of the furniture and the vehicle to the Sudanese Comparative Law Society and the remaining furniture to the National Civic Forum. After ten months of failed efforts to secure passage of the office furniture and vehicle to Juba, the assets were disposed of according to USAID rules and regulations.

IFES Disposition of Former-SSRB Data Center in Juba: First Quarter

Transferring the former-SSRB Data Center building to the University of Juba (UoJ) was finally completed by late November. This long-pending project suffered from numerous UoJ financial and technical delays during the planning and installation of a cement flooring and perimeter wall. Once the flooring and wall were completed in mid-October, the UoJ continued to delay the formal asset transfer until IFES pushed the issue with correspondence and two personal meetings with the Vice-Chancellor in early November. All appropriate transfer paperwork was issued in late November and the project file was closed. Even though the asset disposition took an inordinate amount of time, the UoJ now has a fully functional and air-conditioned building that will house a new university computer center.



Former-SSRB Data Center Building at the University of Juba, November 2011

IFES Material Support to the National Elections Act FY2012

IFES provided material support to the Ministry of Justice (MoJ) and National Legislative Assembly (NLA) during its development of the National Elections Bill (NEB) by printing several hundred draft bills and acts and organizing and sponsoring two public consultations during the ministerial, legislative, and executive review processes.

In the first quarter, IFES conducted a two-day MoJ consultative forum with electoral stakeholders in early October and provided copies of the NEB to the Council of Ministers (CoM) in mid-December.

1. **Ministry of Justice:** Organized and supported the MoJ Public Consultation on the NEB on 7 and 7 October: Total Expenses: \$7,989 USD.
2. **Council of Ministers:** Produced 40 copies of the NEB for submission to the CoM by 19 December: Total Expenses: \$461 USD.

In the second quarter, IFES provided organizational, logistical, and material support to the MoJ and NLA during the legislative review of the NEB:

1. **Ministry of Justice:** Produced 400 copies of the NEB for submission to the NLA in late January: Total Expenses: \$4,439 USD.
2. **Legislation and Justice Committee:**
 - A. Produced 206 copies of the NEB for Public Hearing at the NLA in late February: Total Expenses: \$2,747 USD.
 - B. Organized and supported the LJC Public Hearing on the NEB at the NLA on 1 and 2 March: Total Expenses: \$6,157 USD.

In the third quarter, IFES provided material support to the NLA Legislation and Justice Committee (LJC) during the review, revision, and consolidation of the National Elections Act (NEA) 2012 prior to submission of the act to the Office of the President (OoP):

1. **Legislation and Justice Committee:**
 - A. Produced 175 copies of the NEB for third and fourth readings at the NLA on 4 April: Total Expenses: \$1,987 USD.
 - B. Produced 8 copies of the NEA 2012 for LJC review and consolidation on 15 May: Total Expenses: \$119 USD.
 - C. Produced 15 copies of consolidated NEA 2012 for LJC review on 1 June: Total Expenses: \$203 USD.
2. **Office of the President:** Produced 2 copies of final NEA 2012 for OoP review and enactment on 1 June: Total Expenses: \$53 USD.

In the fourth quarter, IFES distributed copies of the enacted NEA 2012 and supported the NCRC with a public event and printed materials:

1. **National Counterparts and International Partners:** Produced 60 copies of NEA 2012 for government officials, international democracy and governance organizations, and electoral commissioners to ensure adequate distribution among key stakeholders in August: Total Expenses: \$926 USD.
2. **National Constitutional Review Commission:**
 - A. Produced 250 copies of the NCRC Action Plan 2012-2013 for public launching event in early September: Total Expenses: \$1,849 USD.
 - B. Organized and supported the NCRC Action Plan launch at Home and Away Conference Facility on 10 September: Total Expenses: \$884 USD.

Providing the MoJ, NLA, and LJC with large-scale printing and event organization and logistical support totaling approximately \$27,814 USD enabled the NEA 2012 to undergo and complete the ministerial, legislative, and executive development, consultative, and review processes with professional activities and in a timely manner. The NCRC also benefitted from initiating its review activities with a public event.

Disposition and Destruction of SSRB Referendum Materials FY2012

When the SSRB ended referendum operations in late July 2011, the destruction of referendum materials, such as used/unused ballots, unused voter registration booklets, and other printed materials, remained a pending issue. Despite best efforts by IFES and UNDP in preparing and recommending appropriate materials destruction policies, instructions, and actions from as early as February and into June, the SSRB failed to marshal the resources needed to address this process by the close-out of the SSRB.

IFES Advisory Services to SSRB Materials Disposition: First Quarter

IFES advised UNDP to raise the materials disposition issue with the former-SSRB Chairperson—the current Chief Justice of the Judiciary—in mid-October; however, attempts at arranging a meeting were unsuccessful. The issue remained unresolved for the next eight months with materials occupying warehouses in Juba and the state capitals but with no funds available to pay rents or implement destruction procedures.



SSRB Referendum Ballots and Polling Kits, December 2010

IFES Advisory Services to SSHEC/SSRB Materials Disposition: Third Quarter

In late June, the former-SSRB Chairperson requested IFES to advise the disposition of surplus electoral and referendum materials from the central warehouse in Juba. The former-Central Equatoria State High Committee failed to dispose of its referendum materials and commodities as directed by the SSRB in July 2011. The materials were stored ever since pending disposition. In addition, the same warehouse also contained surplus electoral materials from the Southern Sudan High Elections Committee (SSHEC) as the facility was shared during the referendum. IFES was requested to assess the conditions at the warehouse and recommend an appropriate course of action.

IFES Assessment of SSHEC/SSRB Materials Warehouse

IFES assessed the central warehouse containing electoral and referendum materials from the SSHEC and SSRB on 30 June and produced a report on 2 July [see Annex 1]. The 400 square meter warehouse is nearly full of used and unused commodities from the Sudan general elections in April 2010 (approximately 60%) and Southern Sudan referendum in January 2011 (approximately 40%). The warehouse owner has requested that the facility be emptied and returned.



SSHEC/SSRB Warehouse: Electoral and Referendum Materials, Juba, 30 June 2012

SSHEC Electoral and SSRB Referendum Materials

IFES identified three general categories of electoral and referendum materials: 1) retainable, 2) disposable, and 3) recyclable. The following table identifies the commodities and disposition options:

Disposition of Surplus Electoral and Referendum Materials

No.	Retainable	Disposable	Donation
1.	Unused polling screens	Used/unused referendum ballot papers	Contents of registration, polling, and referendum kits (i.e., stationary, office supplies, lamps, seals, etc.)
2.	Empty ballot boxes	Unused printed materials (i.e., journals, forms, posters, banners, manuals, etc.)	Tents, mattresses, hand trucks, pallet jacks, garbage bags, folding tables, stationary, and other surplus items
3.	Used voter registration books	Used indelible ink bottles	Unused stamp pads

1. **Retainable Materials:** The unused polling screens and plastic ballot boxes could be retained for use in future electoral events. The screens are sealed and stacked on pallets. The ballot boxes are sturdy and if properly stored, could be used for future elections.
2. **Disposable Materials:** The used and unused referendum ballot papers and other printed materials should be destroyed by controlled burning at an appropriate location. The used indelible ink bottles contain silver nitrate, which is a toxic substance, and thus should be incinerated at high temperatures to ensure environmentally safe destruction.
3. **Donation Materials:** The surplus stationary, office supplies, lamps, stamp pads, and other items noted could be donated to the Juba City Council, Governor of Central Equatoria, or relevant

Government ministries for distribution to primary and secondary schools, universities, hospitals, or other social institutions.

IFES Materials Disposition Recommendations

Given that the future National Elections Commission (NEC) had not yet been established in June, IFES recommended that the retainable materials be stored in a government warehouse until they can be transferred to the new NEC. The other electoral and referendum materials were recommended for disposal through destruction by burning and donating to appropriate government agencies and social institutions. On 2 July, IFES recommended that SSHEC/SSRB officials develop a coordinated plan with national or state government authorities for addressing the warehouse situation.

IFES Advisory Services to and Monitoring of SSHEC/SSRB Materials Disposition: Fourth Quarter

The SSHEC and SSRB formed a joint-committee on 20 July to develop a plan for the disposition of surplus electoral and referendum materials. IFES agreed to provide technical guidance to the materials disposition plan and recommend guidelines for the retention, destruction, and donation of the materials.

The IFES guidelines identified disposition objectives, recommended an implementation plan, and suggested logistical arrangements. The guidelines also presented administrative, personnel, equipment, and timeline considerations [see Annex 3]. The implementation plan outlined a step-by-step process that provided for removal of the bulk RETAINABLE items first to make space for assembling, sorting, and tracking the DISPOSABLE and USABLE materials for eventual destruction or donation.

SSHEC/SSRB representatives coordinated the disposition of surplus electoral and referendum materials from the Juba warehouse from late June until mid-August. Disposition of materials was coordinated with the Juba City Council and Mayor's Office. The municipal authorities provided a budget, labor, transport, and logistics in return for the materials being donated to the City Council for distribution to city agencies. The disposition project took approximately three weeks from initiation on 27 July until completion by 15 August.



SSHEC/SSRB Electoral and Referendum Materials Disposition, Juba (3 August 2012)

IFES conducted several planning and advisory meetings with the joint-SSHEC/SSRB disposition committee throughout July. However, once disposition was initiated, IFES recommendations for the disposition of

ballot boxes and polling screens were not accepted. The referendum voter registration and polling kits procured by USAID were donated in line with IFES recommendations. The joint-SSHEC/SSRB committee decided to distribute ballot boxes to the Juba City Council but the polling screens were placed outside the warehouse for distribution but were ruined by rain before they could be allocated.

Follow-up discussions with the SSHEC Acting Chairperson on 18 September confirmed that all electoral materials except the polling screens had been transferred to the Juba City Council; however, she requested the Mayor to return the ballot boxes as she disagreed with the joint-Committee's decision during her absence from South Sudan in that period. Follow-up with the former-SSRB Logistics Officer supervising the activity on 25 September confirmed that all surplus referendum materials were donated to the Juba City Council per the order of the former-SSRB Chairperson. The SSRB entrusted the Juba City Council to destroy the used ballot papers, surplus printed materials, and indelible ink per SSRB asset disposition policy of 19 July 2011. By the end of September, the former-SSRB was awaiting a Juba City Council disposition report.

The following table provides asset descriptions, IFES recommendations, and SSHEC/SSRB disposition of the electoral and referendum materials as of the end of the annual reporting period:

NO.	DESCRIPTION	RECOMMENDATION	DISPOSITION
SSHEC Electoral Materials:			
1.	Ballot Boxes (used/unused)	Retain	Juba City Council
2.	Polling Screens (unused)	Retain	Ruined by Rain
3.	Polling Kits (unused)	Donate	Juba City Council
4.	Miscellaneous Assets: Pallet Jacks, Office Supplies, Mattresses, Folding Tables, etc.	Donate	Juba City Council
SSRB Referendum Materials:			
1.	Ballots and Results Forms (used)	Dispose Archive Samples	Pending Destruction Confirmation SSRB Archive
2.	Voter Registration Books (used)	Retain	SSRB Archive
3.	Training, Registration, and Polling Kits (boxes and contents)	Donate	Juba City Council
4.	Miscellaneous Assets: Lamps, Tents, Stationary, Office Supplies, Garbage Bags, Unused Stamp Pads, etc.	Donate	Juba City Council
5.	Printed Materials: Ballots, Journals, Forms, Posters, Banners, Manuals, etc.	Dispose Archive Samples	Pending Destruction Confirmation SSRB Archive
6.	Indelible Ink (used/unused)	Dispose	Pending Destruction Confirmation

IFES Impact on Asset and Materials Disposition and Material Support FY2012

During the annual reporting period, IFES asset management and logistical support activities contributed to the proper disposition of electoral and referendum assets and materials and public presentation of the elections law during its development and review. Even though the Khartoum and Juba asset disposition processes were slow, delayed, or redirected, the end-recipients were local organizations or universities that benefited from the materials procured with USAID funding. The polling screens from the SSHEC/SSRB warehouse were an unfortunate waste of resources; however, IFES made every effort to recommend proper disposition policies but the national counterparts implemented their own policies.

IFES providing hundreds of printed copies of the elections bill and act over nine months of legal framework development also contributed to the availability of a key document to policy makers in support of democratic development. The public consultation with the MoJ and public hearing with the NLA were instrumental in collecting views, suggestions, and recommendations from national and international electoral stakeholders. The IFES-organized and sponsored public events set a high standard for developing legislation with the intention of increasing public confidence in the enacted NEA 2012.

OBJECTIVE 6: THE CONSTITUTIONAL PROCESS IN SOUTH SUDAN IS AN EFFICIENT, INCLUSIVE, AND TRANSPARENT PROCESS THAT INCREASES THE PUBLIC CREDIBILITY AND LEGITIMACY OF THE PERMANENT CONSTITUTION

At the beginning of the second quarter, South Sudan initiated the process of developing a permanent constitution by establishing the National Constitutional Review Commission (NCRC) and appointing the initial set of members through Presidential Decrees Nos. 2 and 3/2012 on 9 January. The NCRC was provided a 12-month mandate to review the Transitional Constitution 2011, conduct public consultation, and produce a draft constitutional text and report by 9 January 2013. Even though constitutional development was not an IFES program objective at that time, IFES monitored and reported on the process as a constitution is an essential legal framework that includes electoral components. During the first three months, the NCRC suffered from administrative, operational, and financial constraints that prevented any significant review activities from taking place.

CONSTITUTIONAL REVIEW DEVELOPMENT

USAID, UNMISS, and other international democracy and governance donors and partners recognized that the integrity of the constitutional review process may be at risk from the bureaucratic challenges preventing activity. USAID requested IFES to consider the feasibility of providing technical and material support to the process of developing a permanent constitution in late April. A preliminary assessment identified technical assistance, logistical arrangements, and commodity provision as key areas for supporting the NCRC. USAID consented to IFES pledging these support areas to the UNMISS-coordinated international technical assistance group on 26 April as USAID developed plans to modify the IFES program to include constitutional development assistance.

In the third quarter, after introductory consultation with NCRC leadership on 8 May and further USAID discussions, USAID requested IFES to conduct a comprehensive NCRC needs assessment on 24 May. IFES engaged with the NCRC leadership in early June to summarize its constitutional mandate and timeline, analyze membership composition, breakdown international assistance availability, and assess technical and

material needs. The 10 June assessment confirmed the types of technical assistance and material support IFES could provide upon approval from USAID. IFES continued monitoring NCRC developments in June by participating in UNMISS technical cluster meetings and facilitating meetings between USAID and the NCRC leadership to further explore USAID support to the constitutional review process.

In the fourth quarter, USAID technical and material support discussions with the NCRC throughout July resulted in an IFES Task Order modification in early August that enabled engagement with constitutional development. During the same period, IFES developed an NCRC engagement plan to provide technical guidance to internal procedural systems and procure essential office and compound equipment [see Annex 2]. Throughout August, IFES engaged with the NCRC Chairperson and Secretary General to consult on timeline issues and operationalize NCRC review activities. In mid-August, IFES advised the NCRC on the potential impact of a constitutional mandate extension with analysis of the electoral timeline [see Annex 6]. The NCRC procurement plan was implemented from mid-August [see Annex 5] until mid-September [see Annex 8] when IFES issued seven service and asset tenders. IFES expanded its international adviser team in early September and initiated technical assistance by mid-September [see Annexes 9 and 10]. Throughout the quarter, IFES coordinated its activities with USAID and other international partners, such as UNMISS, NDI, Max Planck Institute, and IDLO. In the next reporting period, IFES will continue its technical assistance and material support to bring the NCRC online with guidance on internal systems, a functioning office, and essential office equipment.

NCRC Constitutional, Electoral, and Census Timeline Analysis

The Transitional Constitution (TCRSS) 2011 provides for the development of a permanent constitution by 9 November 2014 (Articles 201-203), the end of presidential and legislative terms of office by 9 July 2015 (Articles 66 and 100), and the preparation of a population census to establish electoral constituencies prior to the next general elections (Article 194) [see Annex 6].

The constitutional, electoral, and census activities are interrelated and the subsequent timing of each process affects the timing of the others. A permanent constitution is necessary to identify the electoral system and number of national and state legislative seats, which in turn, relies on population census data to determine the size of geographical constituencies. Preparations for general elections in the spring of 2015 require the legislative seat number and constituency demarcation to conduct voter registration, candidate nomination, and elections. Consequently, a delay in constitutional development or census conduct or both could result in a delay in the next general elections.

The development of a permanent constitution is a four-step process: 1) review of the TCRSS 2011 and preparation of a draft constitutional text by the National Constitutional Review Commission (NCRC), 2) deliberation and approval of that draft text by the National Constitutional Conference (NCC), 3) review and passage by the National Legislature (NL), and 4) assent by the President of the Republic.

The NCRC that was established on 9 January 2012 experienced a series of administrative, operational, and financial delays that prevented any significant review activities until early-August. The NCRC must complete its work before the six-month NCC mandate can begin. As a result, the NCRC may require an extension of its current 12-month mandate set to expire on 9 January 2013.

A constitutional development timeline analysis reveals the potential impact of an NCRC extension on conducting general elections in the spring of 2015. An NCRC extension creates a domino effect on the subsequent NCC, NL, and presidential approval processes.

The timeline analysis presented four extension scenarios—three, six, nine, and twelve months—and the consequential impact on the timeline for electoral preparations. The constitutional timing is based on the TCRSS 2011 with a three-month period between the end and start of the NCRC, NCC, and NL review processes. Electoral preparations are based on the National Elections Act (NEA) 2012 and international standards. Census preparations are based on the National Bureau of Statistics (NBS) milestones (plus one month) presented by UN Population Fund (UNFPA) on 25 July:

1. **Three Months:** No electoral impact; however, may be insufficient time for NCRC activities.
2. **Six Months:** No electoral impact, maintains current TCRSS 2011 timeline, and provides sufficient time for NCRC activities.
3. **Nine Months:** Significant electoral impact as final approval would arrive only two months before the anticipated elections period.
4. **Twelve Months:** Severe electoral impact as final approval would arrive one month after the anticipated elections period.

A six-month NCRC extension could provide time to complete its mandate without impacting the general elections. However, failure to conduct a new census in a timely fashion could delay the elections unless the South Sudan authorities decide to use the 2008 population census data for the 2015 elections.

IFES International Assistance Coordination

During the first three months since the establishment of the NCRC, international democracy and governance assistance providers recognized that the NCRC was experiencing difficulties in establishing quorum and arranging for administrative procedures and operational facilities. Between late March and late April, UNMISS Special Representative of the Secretary General (SRSG) consultations with the international community on what technical and material resources are available to the constitutional review process resulted in a thematic matrix summarizing international support from 17 diplomatic and governance partners on 30 April. An UNMISS coordination meeting in mid-June endorsed the support matrices and announced the formation of a joint donor basket fund managed by the UN Development Program (UNDP) to coordinate financial support to the NCRC. Even though USAID will not contribute to the basket fund, relevant support activities will be observed and coordinated to avoid duplicative efforts.

Throughout the fourth quarter, IFES participated in the UNMISS-led international assistance coordination meetings. The UNMISS coordinator established four support clusters: 1) technical assistance, 2) logistical assistance, 3) civic education/public consultation, and 4) media strategy development. The UNMISS-SRSG conducted a principals meeting on 18 July to update the international community and request updated pledges and contributions to a new set of matrices based on the support cluster system. IFES participated in UNMISS-led activities and cluster meetings until the final set of matrices were prepared by 21 September. IFES pledged primary support to the first two clusters with secondary support to the third as needed. IFES coordinated relevant activities with the UNMISS coordinator (12 and 17 September) and participated in and monitored cluster meetings (19 and 27 September) to ensure adequate resources to the review process.

IFES also coordinated constitutional support activities with other democracy and governance partners and organizations. In addition to weekly coordination meetings sponsored by NDI and hosted by IRI, IFES coordinated plans with three specific groups:

- ◆ **Max Planck Institute:** IFES discussed possible collaboration on constitutional and electoral development activities on 23 August.
- ◆ **NDI:** IFES discussed mutual program activities, determined that mutual plans complement each other, and agreed to coordinate support as appropriate on 29 August and 11 September.
- ◆ **IDLO:** IFES discussed mutual support activities to the NCRC and agreed to coordinate work plans to avoid duplicative efforts where appropriate on 28 September.

IFES will continue to coordinate technical and material support activities for the constitutional review process with international assistance providers during the next reporting period.

IFES Constitutional Development Activities: Fourth Quarter

IFES informed USAID that it was prepared to engage the NCRC and constitutional review process in general with dedicated technical and material support upon modification of the IFES Task Order. The NCRC engagement plan provided the basis for the IFES contract modification issued on 3 August.

NCRC Engagement Plan

The following engagement plan highlighted four key areas for advanced planning and implementation in mid-July [see Annex 2]:

- A. **Implementing Agreement:** Prepare a formal Memorandum of Understanding (MoU) between USAID and IFES and the Republic of South Sudan (RSS) and NCRC to provide a clear understanding of the types of technical and material support available and the corresponding governmental and logistical support anticipated from the RSS and NCRC.
- B. **Technical Assistance:** Outline the types of technical expertise that IFES will offer the NCRC: constitutional advisers and specialists, administrative advice, operational guidance, research and analysis methods, public consultation planning, and other assistance as requested.
- C. **Material Support:** Outline the types of assets that IFES will offer the NCRC: office furniture; computing equipment; generators; VSAT internet system and service; and other items as required.
- D. **Activity Coordination:** Develop IFES activity timeline based on NCRC operational plan that outlines schedule of full-commission meetings and proposed public consultations in Juba and the state capitals. Coordinate activities with UNMISS-chaired international assistance technical and logistics groups.

NCRC Procurement Plan

The following procurement plan highlighted three key areas for advanced planning in mid-August and included general types of equipment requested by the NCRC [see Annex 5]:

- A. **Headquarters Coordination:** Contact with IFES-HQ Procurement Manager to develop procurement strategy (local, regional, or international); identify material assets (equipment specifications); prepare Requests for Quotation (RFQs); and manage vendor relations, communications, and delivery process.

- B. **Rules and Regulations Compliance:** Confirm all appropriate USAID and IFES policies and procedures for large-scale equipment procurement. Ascertain South Sudan's USAID geographical code. Ensure relevant USAID prior-approvals and asset disposition protocols are secured in writing.
- C. **Expedited Procurement:** Request preference for local or regional procurement as appropriate and available to save time. Coordinate with NCRC for all necessary RSS Ministry of Finance and Customs Department import authorizations and tax exemptions.

NCRC Assets Requested

- A. **Office Furniture:** Executive and standard desks, chairs, visitor chairs, conference tables and chairs, executive sofa, bookcase and filing cabinets, coffee tables, printer stands, appliances, curtains and fixtures, and other associated office items.
- B. **Computing Equipment:** Desktop and laptop computers, monitors, peripherals, printers, scanners, projectors and screens, networking routers, wireless routers, photocopier, shredders, UPS, and other associated electronic items.
- C. **Compound Equipment:** Generators (2 units), junction box, power cabling, VSAT internet system (dish, modem, routers, etc.), internal security floodlights.
- D. **Supplemental Office Space:** Approximately 6-8 container offices or a purpose-built prefabricated building to accommodate at least 10 offices. An existing concrete slab would be utilized to limit construction to assembly and minimize environmental impact.

IFES Constitutional Review Operationalization Activities: Fourth Quarter

Before IFES could implement its NCRC engagement plan directly with the national counterpart, USAID required a formal letter from the NCRC to USAID requesting technical and material support. IFES explained this process in mid-August and drafted an outline per an NCRC request. On 3 September, the NCRC submitted its official request and USAID responded affirmatively on 10 September. The IFES program immediately initiated its support plans throughout the rest of the month.

IFES expanded its international advisory capacity in early September. The Country Director and Operations Officer received additional support with the arrival of the new Electoral Management Adviser and Constitutional Field Coordinator on 7 September. The IFES headquarters Program Associate for South Sudan also deployed to Juba on 9 September to assist with procurement activities. The advisory team, supported by the Finance and Administration Manager and national program officers, engaged the NCRC with technical assistance and material support.

IFES implemented the NCRC engagement plan developed in mid-July throughout August and September. Material support activities—procurement plan preparation, initiation, and management—were conducted simultaneously with international adviser recruitment and deployment to provide sufficient technical assistance. The primary goal for IFES activities was to operationalize NCRC constitutional review capacity by establishing a functioning office and compound and offering guidance on internal procedural systems on an expedited basis.

IFES Task Order Compliance Review

An essential component of the procurement plan was adherence to USAID rules and regulations and IFES procurement policies and procedures. From mid-August to early September, the IFES Contracts and Grants Department (C&G) officers conducted an extensive internal review process to mitigate any risks to IFES conducting material support. The procurement of office-related equipment and services followed standard commodity procurement guidelines and required no additional clarifications. The procurement of office renovation services and prefabricated office and conference facilities, however, required careful review and analysis of the relevant IFES Task Order provisions and restrictions to ensure proper USAID compliance.

During the review, C&G identified several aspects of the proposed tenders that might conflict with the IFES Task Order. In particular, the categorical exclusion regarding construction activities that requires an environmental impact assessment may preclude IFES from undertaking some of the material support requested by the NCRC. IFES program management in the headquarters office communicated the concerns to USAID contracting officials in Juba to clarify and confirm the potential compliance issues. USAID and IFES determined that the office renovation work could move forward minus any substantial plumbing or electrical projects. After a series of discussions between USAID and IFES over the prefabricated office and conference facilities, however, USAID recognized by late September that the proposed procurement of prefabricated facilities may not be appropriate through the IFES Task Order. USAID suggested that IFES not issue the prefabricated facility tenders on 17 September until USAID reached a final decision regarding this procurement. By the end of September, USAID was considering whether to procure the prefabricated structures and other construction-related projects through the United Nations Office of Project Services (UNOPS). IFES facilitated UNOPS site visits and provided all site plans and other support materials to assist the preliminary assessment process. A final USAID decision was pending at the end of September.

IFES Procurement Management: Office and Compound Facilities and Equipment

IFES issued a series of office and compound equipment procurement tenders in mid-September while the compliance review was ongoing. Given the urgency of operationalizing NCRC capacity, IFES determined that releasing the service and asset tenders would ensure program efficiency until final decisions were made. A tender could be withdrawn from the procurement chain at any point in the process.

Implementing the NCRC procurement plan involved researching, preparing, issuing, and managing seven procurement tenders: 1) office renovation, 2) compound equipment, 3) office furniture, 4) computing equipment, 5) internet service, 6) supplemental office space, and 7) conference facility. The service Request for Proposal (RFP) and asset Request for Quotations (RFQs) were prepared in the field from mid-August and reviewed and approved by the IFES headquarters C&G prior to release by mid-September:

- A. **Office Renovation (RFP-004) and Compound Equipment (RFQ-009):** Opened: 15 September, Closed: 25 September
- B. **Internet Service (RFQ-010):** Opened: 18 September, Closed: 27 September
- C. **Office Furniture (RFQ-003) and Computing Equipment (RFQ-002):** Opened: 18 September, Closed: 28 September
- D. **Supplemental Office Space (RFQ-008) and Conference Facility (RFQ-009):** Opened: 19 September, Closed: 2 October

The IFES procurement team prepared and managed the seven tenders throughout September. As each tender closed, the vendor proposals underwent a rigorous three-stage evaluation process. At the first stage, the proposals were assembled for a detailed bid-tabulation analysis, vendor backgrounds and references were checked, clarifications on products conducted, and a double-blind scoring process implemented by IFES officers. The second stage was a comprehensive assessment of the evaluations by a four-person procurement committee to select the winning proposal. The final stage involved presentations to the IFES Country Director to discuss any issues and approve the selections.

All winning proposals were issued an award letter providing a summary of the evaluation process. Each procurement included a package of supporting documents—material request form, proposals, bid-tabulation, scoring sheets, and selection memorandum—for review and processing by the IFES headquarters program management and C&G team. IFES made best efforts to comply with internal procurement policies and procedures to ensure compliance with USAID rules and regulations.

At the end of September, the first tender was selected and the next four were undergoing evaluation. The office renovation project is expected to begin by 5 October and end before the end of the month. Selections on the next four tenders are anticipated within the first three weeks of October. The final two tenders may be withdrawn in October pending a final decision from USAID on procuring prefabricated facilities. Procurement updates were provided to USAID throughout the development and management process.

IFES Technical Guidance: Action Plan Launch, Internal Organizational Structures and Staffing Plan

The IFES advisory team engaged with the NCRC leadership from mid-August until the end of September to discuss the types of technical guidance required and provide technical proposals. On 10 August, the IFES Country Director explained to the Secretary General the steps forward after USAID approved IFES support to the NCRC on 3 August. The NCRC welcomed the IFES support, and on 27 August, requested assistance with organizing a public event to launch the NCRC Action Plan in early September.

NCRC Action Plan 2012-2013 Launch

IFES sponsored the launch of the NCRC Action Plan 2012-2013 on 10 September. The event attracted 54 participants, including NCRC full-time commissioners and representatives from the Ministry of Justice (MoJ), political parties, civil society, international organizations, and diplomatic missions. UNMISS was represented by Head of Political Affairs who provided encouraging remarks in support of the NCRC and the constitutional review process. In the opening remarks, the NCRC Chairperson thanked the international community for their ongoing support to the NCRC and constitutional development in South Sudan.

The NCRC Secretary General presented the Action Plan that covered the following goals:

- A. Build capacity of the NCRC to undertake its mandate
- B. Review the transitional Constitutional and identify issues for national consultation
- C. Civic education on constitutional issues
- D. Public participation in constitution making
- E. Development of constitutional framework



NCRC Action Plan Launch, Juba, 10 September 2012

At the end of the event, the NCRC thanked IFES for its initial material support. IFES organized the event by delivering invitations, providing the venue, and printing 200 copies of the NCRC Action Plan for NCRC members and external distribution.

NCRC Internal Organizational Structures, Secretariat Staffing Plan, and Terms of Reference

The NCRC Secretary General requested IFES technical guidance on 13 September to provide a proposal on internal organizational structures that would provide effective support to its review activities. The NCRC recognized that a comprehensive organizational structure would enable the NCRC to determine internal working relationships and provide for integrated planning, service delivery, and management control. The eventual number of staff positions, the levels of seniority, and management relationships will be in accordance with existing budget restrictions.

IFES researched several approaches and presented three options for consideration on 17 September [see Annex 9]. The options were intended to assist the NCRC with planning for the technical assistance required for the NCRC to efficiently undertake its mandate and functions. The first option was an output-oriented model; the second, a structure-oriented model; and the third, a revised model based on the existing organizational structure from late May. Feedback from the Secretary General resulted in a series of revisions to the first option and an additional request for assistance in developing a Secretariat staffing plan and terms of reference based on that organizational structure. The organizational structure and staffing terms of reference were developed between 18 and 25 September [see Annex 10]. IFES presented the Secretary General with the third proposed structure and final terms of reference converted into a draft NCRC vacancy notice on 26 September.

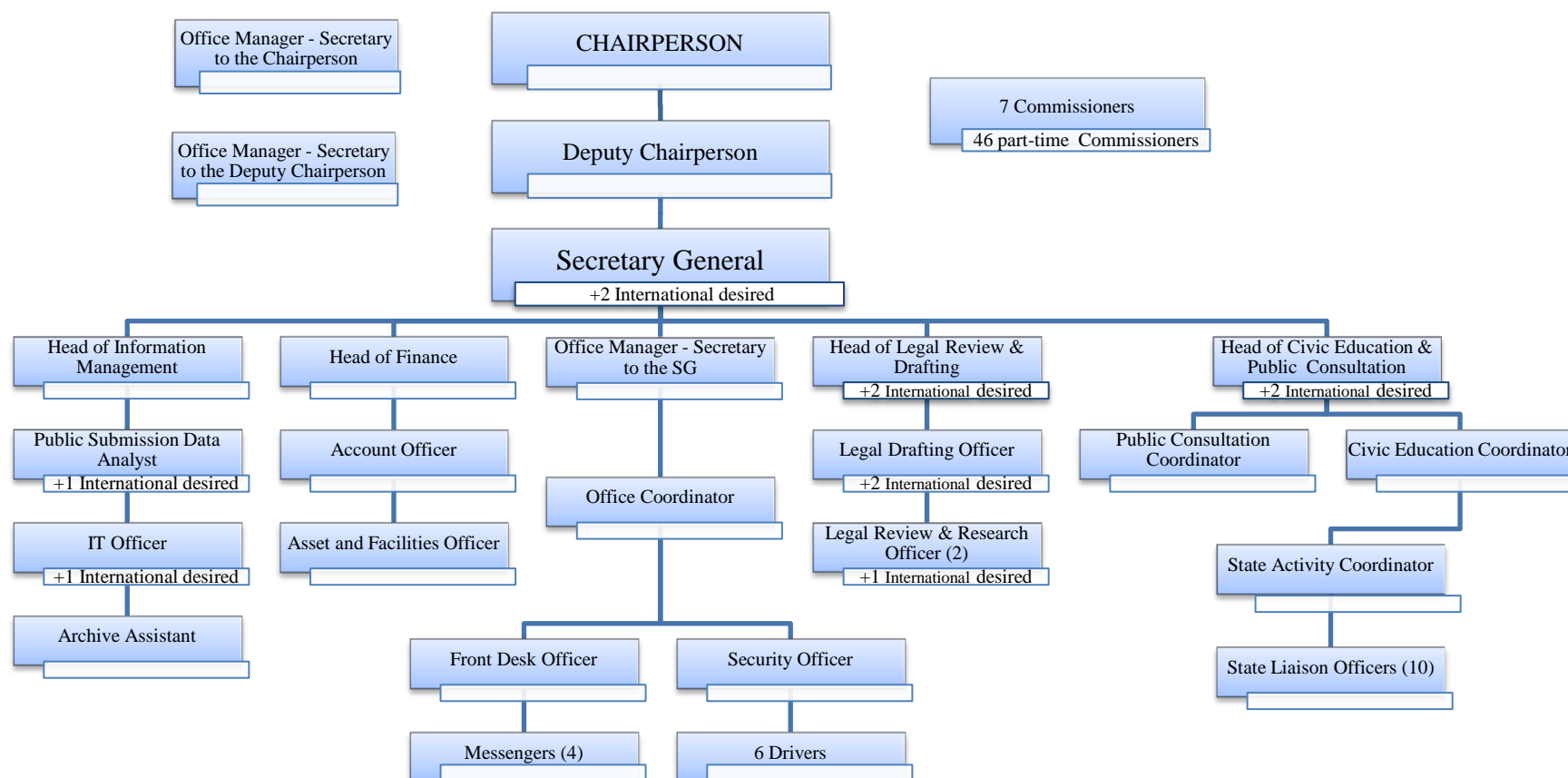
The internal organizational approach selected is based on the NCRC mandate and structured to achieve NCRC objectives with effective and efficient functions. This organizational structure follows an output-oriented model centered on results-based management (RBM). The RBM approach ensures that an organization manages its processes, products, and services to achieve desired results, promote ownership, and provide accountability. The clear hierarchy established within the comprehensive structure also provides direct lines of managerial authority for more efficient decision making.

The Secretariat staffing plan terms of reference provided a comprehensive description of position responsibilities, qualifications, and application submission requirements for 23 types of positions. The draft vacancy announcement was intended for use in the NCRC recruiting process but as of the end of September, the NCRC has not yet initiated its recruitment drive.

Additional NCRC Technical Guidance: Rules of Procedure and Review Committee Structures

The initial IFES technical assistance was well-received and appreciated by the NCRC Secretary General. Additional technical inputs were offered to review and supplement the internal rules of procedure, propose review committee themes and structure, and conceive a draft constitutional text framework. At the end of the fourth quarter, IFES advisers and program officers were researching the subject areas and developing draft proposals in anticipation of presenting IFES findings by mid-October.

NCRC Secretariat Structure Proposed by IFES (26 September 2012)



IFES Impact on Constitutional Review Development FY2012

IFES contributions to the process of developing a permanent constitution are still in the preliminary stages but given the USAID mandate to engage with the NCRC and subsequent policy-making bodies—the National Constitutional Conference (NCC), National Legislative Assembly (NLA), and Office of the President (OoP)—the potential is high for significant achievements in this program objective. The material support initiated in August and implemented in September compliments the technical assistance provided on internal procedural systems and staffing structures.

In the next reporting period, IFES anticipates completing the operationalization of NCRC capacity with a renovated office building and essential office and compound equipment. In addition, further technical guidance is anticipated to develop supplementary Secretariat and review committee support to guide constitutional review activities.

III. CROSS CUTTING ISSUES

Technical Assistance Challenges FY2012

During the annual reporting period, IFES continually developed national and international stakeholder relationships to mitigate challenges that could affect the ability to provide technical and material support to the institutional development of South Sudan. IFES demonstrated electoral expertise to ministerial and legislative policy makers, informed on electoral developments to executive policy makers, and engaged with constitutional review policy makers.

During FY2011, IFES experienced difficulties in approaching and engaging with electoral policy makers in the Government of the Republic of South Sudan (RSS). IFES designed activities to overcome this technical assistance challenge. In August and September 2011, IFES training workshop activities focused on legal and electoral framework development with a broad spectrum of governmental, political party, and civil society stakeholders that resulted in greater exposure for IFES advisory services. These educational activities increased public visibility of IFES contributions to the referendum process and assisted in establishing new relationships among political and civil society groups. IFES also leveraged existing relationships with former-SSRB officials to promote IFES with key potential governmental counterparts. As a result, the Ministry of Justice (MoJ) approached IFES in mid-September with a request for technical assistance in support of developing the draft national elections bill.

Previous IFES difficulties in approaching and engaging with electoral policy makers were largely overcome during the first three quarters of FY2012. In the first quarter, the MoJ engaged IFES to draft and develop a new elections act, resulting in IFES working closely with MoJ counterparts and demonstrating the value of IFES technical expertise and commitment to non-partisan and impartial advisory services. In the second quarter, the National Legislative Assembly (NLA) engaged IFES electoral analysis, technical guidance, and material support during the process of reviewing the National Elections Bill (NEB). Feedback from the NLA Legislation and Justice Committee (LJC) Chairperson was positive and appreciative for the work IFES provided during the four stages of the legislative review process.

In the third quarter, after passage of the National Elections Act (NEA) 2012 in mid-April, additional technical and material support was provided during the consolidation, finalization, and submission of the act

to the Office of the President (OoP). Also in the third quarter, IFES advisory services were recommended to the National Constitutional Review Commission (NCRC) Chairperson and Secretary General by the NLA-LJC Chairperson and Chief Justice of the Judiciary, which facilitated an IFES assessment of technical and material needs in support of the permanent constitution development process.

In the fourth quarter, gaining access to the OoP Presidential Legal Advisor (PLA) was difficult despite formal and informal attempts to communicate. Eventually, IFES leveraged existing relations with the Chief Justice to convey to the OoP-PLA that IFES advisory and commodity services were available for legal and electoral framework development. The primary technical assistance challenge in the fourth quarter was navigating the bureaucratic constraints faced by the NCRC that has an inadequate budget for conducting its review activities. The NCRC anticipates this obstacle will be overcome with additional RSS budget allocations once the new office and compound are operational in the next reporting period.

The relationships established and reputation earned with governmental bodies over the last three years are expected to serve IFES well in the next reporting period when engaging with the new National Elections Commission (NEC) and NCRC. IFES will continue to leverage professional relationships in pursuit of South Sudan electoral management and constitutional development.

Environmental ComplianceFY2012

No situations required environmental compliance in the annual reporting period.

Lessons LearnedFY2012

During the course of supporting ministerial, legislative, and executive elections law review activities; interacting with electoral stakeholders; monitoring political processes; and observing constitutional developments, five key lessons were identified, learned, and reinforced during the annual reporting period:

1. **Class Stereotyping by Political Leadership:** Through direct and indirect interactions with leaders and officials within government, a common theme when discussing the need to include the public in decision-making processes is that the common person is "uneducated", "illiterate", or "ignorant" and thus the political and social elite should make decisions on their behalf. This form of class bias often clouds judgment when considering recommendations for transparent, genuine, and inclusive processes for developing legal and electoral frameworks. The merit of public participation is lost in the face of such prejudice. Activities designed to engage the public and the civil society that most often represents their interests are degraded, sidelined, or simply refused. There is no simple way to overcome class stereotyping and must be kept in consideration when proposing new activities.
2. **Resistance to National and International Input to Legal Framework Development:** During the periods prior to and following the independence of South Sudan, the lack of political leadership receptivity towards inclusive and broad-based decision-making was readily apparent in the development of the TCRSS, formation of the new government, and implementation of constitutional deadlines for key electoral legislation. The reluctance and even open opposition to both public input and consultation and international offers for assistance in the areas of democracy and governance revealed the need to sensitize decision makers to the principles and merit of democratic consensus building and learning from the expertise of international organizations. This lack of consultative sophistication has the potential to complicate and even diminish the development of new legal frameworks guiding future social and electoral institutions.

3. **Persistent Advisory Services:** Providing effective technical guidance and policy recommendations during the legislative review process benefitted from persistent efforts to engage and advise the electoral policy makers. IFES willingness to lobby for key issues—despite initial reluctance by counterparts—succeeded in convincing counterparts of the importance of including provisions that strengthen the integrity of the electoral system, elections commission, and electoral dispute resolution mechanisms.
4. **Institutional Communications:** Ensuring the development of a sound legal and electoral framework was challenged by the lack of adequate cross-institutional communications between the MoJ and LJC during the NEB review process. IFES relationships with both groups bridged the information gap and provided a sounding board for both electoral policy makers on technical issues. Building stronger information-sharing mechanisms between relevant governmental stakeholders in the future would benefit the establishment of the new elections commission by the Office of the President.
5. **Government Counterpart Communications:** Building and strengthening relations with government bodies was assisted by formal correspondence and informal discussions with legislative, executive, and constitutional policy makers. IFES issuing letters to request appointments, inform on electoral issues, and confirm meetings and agreements present a professional image to counterparts and document ongoing activities for reporting purposes. IFES advisers and program officers also engaged in personal discussions with government officials to better understand viewpoints on various electoral and constitutional issues. Strong professional relationships are essential to providing effective technical and material support to South Sudan institutional development.

IFES pursuing program activities with persistent yet professional efforts and formal and informal communications with ministerial, legislative, and executive governmental entities, political parties, civil society organizations, and international assistance providers strengthened counterpart relationships and enabled more productive and effective advisory services.

IV. PROGRESS ON INDICATOR TARGETS (QUANTITATIVE IMPACT)

Performance Monitoring Indicator Table FY2012 Summary*

Indicators		Annual Target FY2012	Quarterly Progress Q1	Quarterly Progress Q2	Quarterly Progress Q3	Quarterly Progress Q4	Annual Total
P1(GJD 3.2): Electoral Procedural Systems		6 of 8	4	4	3	--	5 of 6
1.1 (GJD 3.2): Regulatory Gaps		6 of 6	4	1	1	1	5 of 6
2.1 (GJD 3.2): Electoral Training	NEC	36	--	--	--	--	--
	SSRC	55	--	--	--	--	--
	AARC	9	--	--	--	--	--

Indicators	Annual Target FY2012	Quarterly Progress Q1	Quarterly Progress Q2	Quarterly Progress Q3	Quarterly Progress Q4	Annual Total
3.1 (GJD 3.2): Electoral Events	2 of 3	--	--	--	--	--
4.1 (GJD 3.2): Electoral Commodities	5 of 6	2	2	1	2	2 of 5

*FY2012 Performance indicator table only records progress on the five existing indicators; activities in support of constitutional development will be captured with new indicators during FY2013.

V. MONITORING

During the annual reporting period, IFES monitored and reported its progress on five performance indicators that were developed in FY2010 to collect data on electoral and referendum activities and events. As the IFES program evolved in the post-referendum period, these indicators were less responsive to the legal and electoral framework development activities conducted in FY2011 and FY2012.

In the fourth quarter of FY2012, IFES began working with USAID to update the five performance indicators to reflect the South Sudan context. Three of the five Performance Indicator Reference Sheets (PIRS) tracked internally by USAID were revised and updated on 26 July after consultation with USAID officers. In early August, the IFES Task Order was modified to include a sixth program objective in support of constitutional development. In early September, IFES submitted its proposed work plan and performance monitoring and evaluation plan for FY2013 that included one new indicator for the new objective. However, the new indicator was deemed insufficient by USAID on 14 September and additional indicators are under evaluation. As a result, no new indicators are recorded in this annual report. They will be incorporated into the First Quarterly report for FY2013 once the work plan is approved and PME plan revised accordingly. Relevant constitutional development activities that fall into the existing indicators—procedural systems and commodity provision—are noted in the analysis for the fourth quarter and in the annual progress report.

IFES achieved or partially achieved progress on three of five performance indicators supporting the six program objectives: 1) electoral procedural systems strengthened, 2) regulatory gaps filled, and 5) electoral commodities procured. The two indicators with no progress—3) electoral events conducted and 4) electoral officials trained—were unachievable due to no electoral events being calendared and the lack of an elections commission.

All supporting correspondence, meeting minutes, work product, weekly highlights, printed materials, and status reports that demonstrate the performance of IFES advisory services are available for review by USAID in the IFES office in Juba.

Indicator P1: Number of Electoral and Referendum Administration Procedures and Systems Strengthened with US Government Assistance

In supporting the ministerial, legislative, and executive review, passage, consolidation, and enactment of the National Elections Act (NEA) 2012, IFES technical assistance strengthened legal provisions affecting five of

eight of the administrative and operational procedures listed in the FY2012 Performance Monitoring Plan (PMP): 1) electoral organization, 3) voter information, 6) electoral campaign, 7) vote and counting, and 8) election referenda and dispute resolution. The indicator target was for six of eight systems, and thus IFES achieving five of six targets resulted in an 83% progress rate. Even though this rate falls below the 10% margin for complete progress, the other three procedural systems—2) constituency delineation, 4) voter registration, and 5) candidate nomination—were reviewed during legal framework development; however, no significant revisions were recommended that warrant a claim of indicator progress.

The NEA 2012 contains organizational and operational improvements to the structure and functions of the elections commission, implementation of the electoral system, mechanisms for resolving electoral disputes, and provisions for conducting electoral administrative operations.

Sub-indicator 1.1: Gaps in Regulatory Framework Filled with IFES Assistance

Progress was made in five of six areas targeted by successfully preserving and recommending legal provisions and clarifying and strengthening existing ones during analysis and support to the NEA 2012 ministerial and legislative review processes. Subject areas included: 1) internal structure, 3) observer accreditation, 4) media campaign, 5) polling and counting, and 6) tabulation of results. The indicator target was for six of six potential gaps, and thus IFES achieving five of six targets resulted in an 83% progress rate. Even though this rate falls below the 10% margin for complete progress, IFES progress on this indicator is reasonable given that the need to develop and enact the NEA 2012 was not conceived of when preparing the FY2010 indicators. The new National Elections Commission (NEC) will utilize NEA 2012 to develop regulations and procedures guiding electoral activities that are expected to include all six indicator areas, including the one missing target: 2) voter registration.

Sub-indicator 2.1: Number of Referendum/Election Officials Trained with US Government Assistance

No progress achieved on this sub-indicator due to the absence of an elections commission in South Sudan.

Sub-indicator 3.1: Key Events in Electoral Calendars Accomplished with US Government Assistance

No progress achieved on this sub-indicator due to no electoral events being calendared.

Sub-indicator 4.1: EMB-Requested Assets Necessary for Electoral Process Implementation Procured with US Government Assistance

The indicator targets developed in FY2010 focused on specific electoral commodity support activities: 1) office setup, 2) data center setup, 3) voter registration materials, 4) polling materials, 5) telecommunications equipment, and 6) transportation services. However, these targets do not easily apply to the IFES material support activities during FY2012, complicating the reporting on progress in supporting legal, electoral, and constitutional framework development. Regardless, IFES has attempted to report progress by fitting relevant activities into the closest corresponding targets and noting relevant material support activities.

Progress was partially achieved on at least two of six types of commodity areas supported: 1) office setup (NCRC office and compound equipment) and 2) data center setup (NCRC computing equipment). However, IFES also provided additional material and logistical support not conceived of in the original indicator: three public events organized and sponsored for national government counterparts and approximately 1,400 copies

of the elections bill, committee reports, elections act, and constitutional review action plan printed during the annual reporting period.

The indicator target was for five of six important types of assets procured, and thus IFES technically achieving two of five targets resulted in a 40% progress rate. Even though this rate falls well-below the 10% margin for complete progress, IFES lack of progress on this indicator is misleading given the additional material support provided to legal, electoral, and constitutional framework development activities. IFES will request that these indicator targets be adjusted for FY2013.

VI. PROJECT ADMINISTRATION

Security Issues FY2012

No significant security issues were experienced during the annual reporting period. IFES updated its internal security and evacuation plan and issued a procurement tender for IFES compound security services during the fourth quarter.

Program Personnel FY2012

During the annual reporting period, IFES experienced additions and subtractions to the national and international program personnel. In October, IFES launched its national program officer team by recruiting two former-referendum bureau employees. In the same month, the international electoral adviser departed the program for another electoral opportunity. In November, IFES recruited a national finance officer but replaced that employee in April after a resignation in March. IFES also added two additional international advisers in early September. The program officer who resigned in May for a state legislative assembly appointment was replaced by the end of September. As of the end of the fourth quarter, IFES employs five international personnel, four national program support officers, and six program drivers.

IFES International Program Team

1. Parvinder Singh, Country Director
2. Peter Michieka, Finance and Administration Manager
3. Robert David Irish, Operations Officer
4. Eliane do Rego Torres, Electoral Management Adviser
5. Rajesh Budhiraja, Constitutional Field Coordinator

IFES National Program Support Team

1. Alafi Alfred Isaac, National Program Development Officer
2. Ijjo Elias Odego, National Program Development Officer (will start 1 October 2012)
3. Muja Joyce Murle, National Finance and Administration Officer
4. Mustafa Loguya, National Logistics Assistant

Departing IFES International and National Employees

1. Ajay Patel, International Electoral Adviser (November 2011)

2. Leku John Amale, National Finance and Administration Officer (March 2012)
3. Emmanuel Everisto, National Procurement Assistant (March 2012)
4. Daniel Deng Mayan, National Program Development Officer (May 2012)

Project Changes FY2012

Contract Modifications and Amendments

Modification 10: De-obligated \$3,744,653 based on a submitted budget realignment that projected that less funds would be needed through the remainder of the project on 26 January 2012.

Modification 11: USAID approved a budget realignment and added a new (sixth) objective to the Task Order on 3 August 2012

Modification 12: USAID increased the total obligation by \$750,000 on 28 September 2012

VII. FINANCIAL INFORMATION (INTERNAL USAID USE ONLY)

	FY 2009 Actual Expenditures	FY 2010 Actual Expenditures	FY 2011 Actual Expenditures	FY 2012 Actual Expenditures	Total Expenses (Inception to Date)	FY 2013 Quarter 1 Projected Expenditures
Salary and Consultants (Technical Assistance)	\$1,035,147.78	\$1,830,424.29	\$2,756,893.03	890,554.77	\$6,513,019.87	\$271,525.87
International Staff Benefits & Allowances	\$261,278.92	\$446,337.88	\$463,723.07	267,592.16	\$1,438,932.03	\$62,450.95
Contract Services	\$31,927.92	\$154,671.33	\$815,301.96	\$77,782.70	\$1,079,683.91	\$15,000.00
Travel	\$310,823.28	\$296,717.77	\$268,010.26	\$63,657.13	\$939,208.44	\$12,000.00
Furniture & Equipment	\$335,828.68	\$155,750.84	\$131,951.78	\$6,048.27	\$629,579.57	\$9,000.00
Electoral Commodities	\$29,985.43	\$9,167,584.76	\$4,679,594.91	\$38,905.73	\$13,916,070.83	\$0.00
Subrecipients	\$0.00	\$70,000.00	\$495,252.63	\$0.00	\$565,252.63	\$0.00
Office Expenses	\$378,674.02	\$305,578.83	\$689,730.33	\$514,619.61	\$1,888,602.79	\$9,000.00
Electoral Training	\$3,845.87	\$381,641.71	\$123,143.81	\$17,803.03	\$526,434.42	\$10,000.00
Other Direct Costs	\$10,756.28	\$87,687.48	\$48,906.62	\$38,381.91	\$185,732.29	
Sub-Total ODC	\$1,363,120.40	\$11,065,970.60	\$7,715,615.37	\$1,024,790.54	\$21,169,496.91	\$117,450.95
Fringe Benefits	\$64,448.66	\$119,340.94	134,763.01	53,658.26	\$372,210.87	
Commodities Indirect	\$1,229.40	\$373,120.70	\$112,938.26	\$357.28	\$487,645.64	\$0.00
Subrecipient Indirect		\$3,500.00	\$12,034.64	\$0.00	\$15,534.64	\$0.00
Material Burden Rate	\$394,537.85	\$547,810.07	\$734,908.30	\$273,434.31	\$1,950,690.53	\$27,342.58
Sub-Total Non-Labor	\$1,823,336.31	\$12,109,742.31	\$8,710,259.58	\$1,352,240.39	\$23,995,578.59	\$144,793.53
Total	\$2,858,484.09	\$13,940,166.60	\$11,467,152.61	\$2,242,795.16	\$30,508,598.46	\$416,319.41
Task Order Ceiling					\$69,999,120.51	
Task Order Obligation as of 30 September 2012					\$37,769,000.00	
Balance					\$7,260,401.54	

VIII. ANNEX: IFES WORK PRODUCT FY2012

IFES Work Product: First Quarter

1. IFES Explanatory Note: Draft 2011 National Elections Bill (1 October)
2. IFES Technical Briefing on Draft 2011 National Elections Act for the Republic of South Sudan (6-7 October)
3. IFES Letter to Ministry of Justice regarding IFES South Sudan Post-Consultative Forum Draft 2011 National Elections Bill and Additional Points for Ministry of Justice Consideration in the Review Process (10 October)
4. IFES Background Note on Appointment Mechanisms for Members of Election Management Bodies (26 October)

IFES Work Product: Second Quarter

1. IFES Policy Proposal: Appointment Mechanisms for Members of the South Sudan National Elections Commission (6 February)
2. IFES Correspondence to the LJC Chairperson regarding IFES Advisory Services in Support of the National Elections Bill 2012 (7 February)
3. IFES Correspondence to the LJC Chairperson regarding Observations from the Public Hearing on the National Elections Bill 2012 (8 March)
4. IFES Technical Comments on the National Elections Bill (19 January 2012) (8 March)
5. IFES Summary of the Second Reading of the National Elections Bill 2012 at the National Legislative Assembly (15 March)
6. IFES Activities in Support of South Sudan Electoral Management and Institutional Development (2011-2012) (24 March)

IFES Work Product: Third Quarter

1. IFES analysis of the LJC Third Reading Report and NEB 2012 from 4 April (6 April)
2. IFES technical comments and recommendations on NEB 2012 from 3 April (7 April)
3. IFES letter to LJC Chairperson regarding technical recommendations on NEB 2012 from 3 April (10 April)
4. IFES letter to LJC Chairperson regarding priority comments and recommendations on NEB 2012 from 11 April (12 April)
5. IFES analysis of the NLA third and fourth readings of NEB 2012 from 11 April (15 April)
6. IFES letter to LJC Chairperson regarding technical recommendations on NEA 2012 (30 May)
7. IFES comprehensive NCRC needs assessment (10 June)
8. IFES letter to OoP-PLA requesting appointment and attaching NEA 2012 comments and NEC development plan (22 June)
9. IFES technical comments and recommendations on NEA 2012 from 1 June (22 June)
10. IFES development plan for building NEC capacity (22 June)

IFES Work Product: Third Quarter

1. IFES assessment of the SSHEC/SSRB electoral and referendum materials warehouse (2 July)
2. IFES engagement plan for NCRC support activities (13 July)
3. IFES guidelines for SSHEC/SSRB electoral and referendum materials disposition (24 July)
4. IFES updated preliminary development plan for NEC support activities (9 August)
5. IFES procurement plan for NCRC material support activities (13 August)
6. IFES constitutional, electoral, and census timeline and NCRC extension impact analysis (14 August)
7. IFES presentation on IFES legal, electoral, and constitutional support activities (30 August)
8. IFES material support plan for NCRC asset procurement activities (13 September)
9. IFES technical guidance proposal on NCRC organizational structure (17 September)
10. IFES technical guidance proposal on NCRC organizational structure and staffing terms of reference (26 September)